

UPDATE INFORMATION

Vols. I & II – Portland City Code

June 30, 2022 – Quarterly Update

Retain this page to document what update was last applied to your books.

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3. Locate quarter you want and click on the plus sign to see the available update packet and/or Code Title(s).
4. Click on the Title field for the item you want and when new page opens click Download button.

Contact the Auditor's Office Council Clerk/Contracts
Section if you have questions: 503-823-4082.

Previous Update Packet March 31, 2022

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
2nd Quarter 2022 (June 30, 2022)

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TITLE 3 - ADMINISTRATION

**TITLE 3
ADMINISTRATION**

**CHAPTER 3.02 - COUNCIL ORGANIZATION
AND PROCEDURE**

(Chapter replaced by Ordinance No. 160414,
effective February 16, 1988.)

Sections:

- 3.02.010 Council Meetings.
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3.02.010 Council Meetings.

(Amended by Ordinance Nos. 166314, 170834, 177787, 182541 and 190476, effective June 30, 2021.) A regular meeting of the City Council shall be held once a week and will generally be held each Wednesday, commencing at 9:30 a.m., and, as necessary, recessed sessions will be held each Wednesday at 2:00 p.m. and the following Thursday at 2:00 p.m. in the Council Chambers. City Council may hold its recessed session in the evening of either day beginning at 6:00 p.m. upon motion adopted by the Council at least 2 weeks prior to the meeting date. When either day falls on a legal holiday the meeting shall be held on the next succeeding business day at the same hour unless otherwise directed by Council during a regularly scheduled session not less than two weeks prior to the meeting. Any session may, upon motion adopted by the Council, be held at a place other than the Council Chamber, but the place shall be within the City limits.

3.02.020 Special Meetings.

(Amended by Ordinance No. 185877, effective March 1, 2013.) Special meetings of the Council may be held at any time upon a request signed by three members of the Council. A written notice of the time and place of the meeting shall be delivered by the Auditor to each member of the Council at his or her office in the City Hall, not later than 24 hours preceding the meeting. The Auditor shall also post on the City's website and distribute electronically to interested persons a notice of the meeting containing a summary of matters anticipated to be considered, not later than 24 hours preceding the meeting.

The Mayor, the President of the Council or any three members of the Council may call an emergency special meeting of the Council under any of the following conditions:

- A. A disaster which has occurred or is imminent;
- B. An emergency affecting or tending to affect the public health or safety;

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- C. War or hostile enemy action;
- D. A civil defense alert on the immediate possibility of enemy action;
- E. An emergency declared by the Governor;
- F. An emergency declared by the President of the United States. The requirements contained in this Section for the agenda and for publication and notice of special meetings shall not apply, but the person or persons calling the emergency special meeting shall notify every other available Council member and the City Auditor or Deputy Auditor, and notification to the media and other interested persons is required. The minutes for the meeting shall describe the emergency justifying less than 24 hours notice. The notice must be appropriate to the circumstances. At an emergency special meeting only matters connected with the emergency shall be considered. No emergency special meeting shall be held without the presence of the Auditor, Deputy Auditor or Auditor's designee who shall act as the clerk of the meeting according to appropriate provisions of the Charter and shall keep a full and complete record of the proceedings. An emergency special meeting shall be deemed to be in session upon the presence of a quorum, and consideration of any ordinance or resolution at an emergency special meeting shall be governed by the appropriate Sections of the Charter. No ordinance or resolution shall be considered at the emergency special meeting unless it is in writing and unless an original copy has been filed with the Auditor before action thereon. An emergency special meeting may be held at a place other than the Council Chambers but shall be open to the public and all provisions of the Charter relating to legislative acts of the Council shall apply to any ordinance passed by the Council at the emergency special meeting.

3.02.025 Attendance by Electronic Communication.

(Repealed by Ordinance No. 190839, effective June 24, 2022.)

3.02.026 Attendance by Electronic Communication.

(Added by Ordinance No. 190476; amended by Ordinance No. 190839, effective June 24, 2022.)

- A. Members of the City Council may attend and be present at public meetings by means of telephone or other electronic communication.
- B. City Council members who expect to attend by means of telephone or other electronic communication must notify the Auditor or designate prior to commencement of the meeting or as soon as reasonably practicable. The Auditor or designate must make reasonable efforts to notify all City Council members when some or all members are expected to attend by means of electronic communication.

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- C.** Except for an executive session, the Council shall make available at least one place where, or at least one electronic means by which, the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are physically present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.
- D.** The Presiding Officer or designee may rely on information provided by any member of the Council, City staff or Person-in-Charge as designated in Code Section 3.18.010 who is physically present at the Council meeting that a person has disrupted the meeting or engaged in dangerous or threatening behavior for purposes of Code Section 3.02.060.

3.02.030 Entry of Documents on Agenda.

(Amended by Ordinance Nos. 165402, 166314, 170834, 177787, 182515, 185877 and 188719, effective December 13, 2017.)

- A.** Notice and Filing of Documents. The City Auditor shall post on the City’s website and distribute electronically to interested persons, at least 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 12:00 p.m. each Tuesday of the week preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:
 - 1.** Communications from the public or governmental jurisdictions other than City.
 - 2.** Time Certain matters.
 - 3.** Consent Agenda.
 - a.** Reports of City Officers;
 - b.** Reports from Committees or Commissions;
 - c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;
 - d.** Items introduced by and identified as such from:
 - (1)** The Mayor;

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(2) The Commissioners, in order of position. Beginning January 1 of every year, items introduced by the Commissioner in Position No. 1 shall be placed first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The order of placement shall be modified on the first day of each subsequent calendar quarter so that items introduced by the Commissioner whose Position number was first in order in the previous calendar quarter are placed last in order; and

(3) The City Auditor.

The provisions of Section 3.02.036 shall apply to matters on the Consent Agenda.

4. Regular Agenda. The business of the Council on the Regular Agenda shall be presented in the same order as items B.3.a.-d. above.

C. Schedule of Council items.

1. The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.

2. Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.

3. Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.

4. The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.

5. Matters not appearing on the Agenda may be considered by the Council under suspension of rules at any session.

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6. The Auditor shall prepare a supplementary Agenda which shall be designated and known as the Four-Fifths Agenda, which shall contain a summary of matters filed in his or her office not later than 5:00 p.m. on the preceding Tuesday for consideration at either the following Wednesday or Thursday session. All documents filed with the Auditor intended for the Four-Fifths Agenda shall be initialed by four members of the Council or their representatives, as designated in Section 3.02.040 D.2.
7. Matters ordered by the Council to be considered at a special time other than the listed sessions shall be considered at the special time as directed by the Council. Council members may direct that special items be listed for meetings other than those specified above.

3.02.035 Ordinance Wording.

- A. Ordinance exhibits.
 1. If the directive portion of an ordinance refers to an exhibit, unless the ordinance directs otherwise, the following language is understood to follow; to wit “said exhibit is by this reference incorporated as if set out verbatim.”
 2. Unless the ordinance directs otherwise, the Auditor shall determine when a copy of an exhibit is to be provided with a copy of the ordinance.
- B. Appropriation designation. The budget ordinance makes the annual appropriation and defines the level of accounting control. When the directive section of an ordinance includes a reference to an appropriation, the ordinance shall control the appropriation at the same accounting level in the original budget ordinances. These appropriations are subject to the limitations on specific appropriations or types of expenditure stated in the budget ordinance. The designation of an appropriation in an ordinance by subaccount below the level of control may be adjusted administratively without an amending ordinance provided there is no change in the appropriation at the level of control, unless the ordinance directs otherwise.

3.02.036 Consent Agenda.

(Amended by Ordinance Nos. 166314 and 17787, effective August 13, 2003.)

- A. Those who file documents for inclusion on the Council Agenda shall clearly designate such items as “Consent” or “Regular” Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.
- B. The Consent Agenda may include any matter for Council consideration except:
 1. Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;

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2. Any matter which will increase an appropriation unit's budget; or
 3. Any matter requested to be placed on the regular agenda at the time of filing with the Auditor.
- C. The Consent Agenda shall be positioned in the Council Agenda in accordance with Section 3.02.030.
- D. An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to Council vote on the Consent Agenda. The request may be in either written or verbal form. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council meeting. A request to pull an item from Consent shall be made to the City Auditor prior to the beginning of the Council meeting, or presented verbally at the Council meeting.
- E. At any meeting at which there is a Consent Agenda, the ayes and nays shall be taken upon the passage of all items on the Consent Agenda by a single Council vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a Consent Agenda. Items on a Consent Agenda shall not be subject to amendment or debate. Consideration of the Consent Agenda requires at least four Council members to be present and voting. Action on the Consent Agenda shall require a unanimous vote of all Council members present.

3.02.037 Time Certain Agenda.

(Amended by Ordinance Nos. 177787 and 184046, effective September 10, 2010.)

- A. Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning and Sustainability Commission, and any other City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as "time certain."
- B. A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.
- C. The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.
- D. The Council Agenda shall clearly distinguish time certain items from all other items.

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3.02.040 Rules of the Council.

(Amended by Ordinance Nos. 162784, 165402, 166075, 166314, 170834, 177787, 178617, 180371, 182515 and 188280, effective April 14, 2017.)

- A.** Suspension and Repeal of Rules - Robert's Rules of Order.
- 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
 - 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
 - 3.** "Robert's Rules of Order Newly Revised" shall be considered authority in deciding any questions arising on points of order not covered by these rules.
- B.** Quorum Requirement.
- 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:
 - a.** Adjourn or recess the meeting; and
 - b.** Compel the attendance of the other members.
 - 2.** In the event a quorum is not present, the members present shall adjourn to some fixed time.
 - 3.** The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.
- C.** Presiding Officer.
- 1.** The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
 - 2.** When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
 - a.** The member present who most recently served as President of the Council shall serve as President pro tempore; or,

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- b.** The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.

D. Council Agenda.

- 1.** Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
- 2.** A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
- 3.** Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
- 4.** Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.
- 5.** All questions relating to the priority of business shall be decided without debate by a majority vote.
- 6.** Postponement of Land Use Hearings.
 - a.** A request to postpone the scheduled date of a quasi-judicial land use hearing before Council must be made in writing and filed with the City Auditor at least seven (7) days before the scheduled hearing date. The Council will not consider or grant any request to postpone such a hearing that is filed less than seven (7) days before the scheduled hearing date unless:
 - (1)** The applicant and appellant all agree in writing to a postponement, or
 - (2)** The Council finds circumstances exist that justify the late filing of a written request for a postponement and that failing to postpone the hearing will result in substantial prejudice to a party's interests.
 - b.** The exception in Section 3.2.040 D.6.a. is available only when the applicant and appellant are different persons or entities.
 - c.** The Council makes the final determination as to whether the person requesting the postponement under Section 3.02.040 D.6.a.(2) has adequately shown that circumstances exist justifying a

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postponement. Persons relying on this exception to request a postponement should be prepared to proceed with a scheduled appeal hearing in the event the Council denies the request for a postponement.

d. Guidelines.

(1) Examples of circumstances that potentially qualify as circumstances justifying a postponement less than seven days before the scheduled hearing date Section 3.02.040 D.6.a.(2) include:

(a) Death of a family member;

(b) Illness or hospitalization of the person requesting the postponement, the applicant or the appellant, or a member of such person's family;

(c) Unavailability of a key witness or consultant;

(d) Unavoidable scheduling conflict not known in advance (such as a conflicting court date or hearing date before another hearings body).

E. Preparation of Council Agenda.

1. The Auditor shall prepare the agenda.

2. The asterisk symbol, *, shall precede the Agenda number of each emergency ordinance. Ordinances passed to second reading and continued matters shall specify the Agenda number under which the item was most recently listed.

3. The Commissioner in charge shall report on matters in their assigned bureau and shall:

a. Prepare a report in writing which states the facts and a recommendation;

b. Sign the report, however, the report may be signed by an authorized administrative assistant.

4. A request from the public to address Council shall be in writing, and be in a form which states:

a. the nature of the request;

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- b.** the reason for the request; and
- c.** the requester's name, address and phone number.

The Clerk will notify the requester of the date it will be considered by Council; the request will normally be placed at the beginning of the Regular Agenda at the Wednesday morning session. The requester will be given three minutes to testify but may also submit written materials before or at the meeting. Only five communication requests will be placed on the Agenda per week. Requesters are limited to one oral communication to Council per calendar month under this section. Once a requestor has presented an oral communication to the Council under this section, the Clerk shall not schedule that person for another oral communication to Council in the same calendar month.

- 5.** Matters being placed on the agenda shall be:
 - a.** Signed by a Commissioner or the City Auditor or a designee for whom an authorization has been filed with the City Auditor. When the matter is not signed by the Commissioner in Charge or the Auditor, then notice of such action shall be given to all members of Council at least one week prior to the hearing of the matter.
 - b.** Approved by the City Attorney in the case of contracts, amendments to contracts, easements, Code changes, Charter amendments and Comprehensive Plan amendments.

F. Duties of the Presiding Officer.

- 1.** The presiding officer shall:
 - a.** Preserve order and decorum;
 - b.** Name who is to speak first when two or more members address the presiding officer at the same time;
 - c.** Limit discussion by Council members so that no member speaks more than once on an agenda item until every other member choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered; and,
 - d.** Decide all questions by Order subject to an appeal to the Council as a whole by any two members.
- 2.** The presiding officer may:

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- a. Speak to points of order before other members speak; and,
 - b. Set limits for public testimony.
 - c. Enforce the Rules of Conduct at City Council meetings described in Section 3.02.060.

- G. Readings, Public Testimony and Council Debate.
 - 1. Non Emergency Ordinance.
 - a. A non-emergency ordinance shall have two public readings of its title or the effect of the ordinance.
 - b. Except as provided in the Charter for ordinances approving a franchise, at least five days shall elapse between the introduction and final passage of an ordinance, and no ordinance shall be amended within five days of its final passage.
 - 2. Emergency Ordinance.
 - a. An emergency ordinance shall have one public reading of its title or the effect of the ordinance.
 - b. An emergency ordinance may be enacted upon the date of its introduction provided that:
 - (1) It contains a statement that an emergency exists; and,
 - (2) It specifies with distinctness the facts or reasons constituting the emergency.
 - 3. Resolutions.
 - a. A resolution shall have one public reading of its title or the effect of the resolution.
 - 4. Procedures for Ordinances and Resolutions.
 - a. The Commissioner in charge shall have the privilege to speak first on the matter under consideration.
 - b. Public testimony shall be limited to the first reading of any type of ordinance unless otherwise stated on the record by the Presiding Officer at the end of the public testimony on the first reading.

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5. Reports.
 - a. The presiding officer shall determine whether public testimony shall be received and the amount of time which shall be allotted to each person.
6. Public testimony will be allowed on the first reading of an item for three minutes per person unless time limits have been otherwise specified.
7. Council members shall confine themselves to the question in debate, shall avoid personalities and shall address the presiding officer before speaking.
8. A Council member called to order by the presiding officer shall immediately cease speaking unless permitted to explain by the presiding officer. The member may ask the Council to rule on the question of being able to continue with speech, but there shall be no debate. Three affirmative votes shall be required to overrule the presiding officer.

H. Motions.

1. All motions shall be distinctly worded, and the individual vote on each motion shall be recorded.
2. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone to a date certain;
 - d. To refer;
 - e. To amend; or,
 - f. To postpone indefinitely.
3. Motions set forth in Section 3.02.040 H.2. shall have the following priority; Section 3.02.040 H.2.a. shall have the highest priority and Section 3.02.040 H.2.f. the lowest. A demand for a roll call shall not abrogate the right to make any of the motions in accordance with the priorities.
4. No motion shall be considered unless it is seconded and once a motion is seconded:

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- a. It shall be stated by the presiding officer before debate; and,
 - b. It shall be reduced to writing if requested by a Council member.
 5. A motion may be withdrawn by the mover at any time before an amendment is made to it or if no amendment is made, before a vote is taken on it.
 6. A Council member may have a motion divided which contains several elements, but the mover shall have the right to designate upon which element the vote shall first be taken.
 7. A motion to call the previous question shall preclude all amendments and debate on the main question until it is decided.
 8. A motion to lay a matter on the table shall be decided without debate. A matter on the table may be considered at any regular, recessed, or special meeting of the Council except that Four-Fifths agenda items require a vote as provided in Section 3.02.040 I.7.
 9. The presiding officer shall allow sufficient time for an amendment before ordering the roll to be called. No amendments shall be considered during the roll call, but a Council Member may explain succinctly the reasons for the vote.
 10. The minutes shall include all motions.
- I. The Required Vote.**
1. Non Emergency Ordinances.
 - a. An Ordinance Involving a Fee Matter. An ordinance involving a fee matter is an ordinance which approves, approves with conditions or denies a request for which a fee has been paid. Three affirmative votes shall be required to pass an ordinance involving a fee matter. In the event there is a tie vote, the matter shall be continued to the next regular agenda or to such other times as the Council may direct.
 - b. An Ordinance Not Involving a Fee Matter. Three affirmative votes shall be required to pass a non-emergency ordinance which does not involve a fee matter. In the event there is a tie vote, the matter shall fail.
 2. Emergency Ordinances. The unanimous vote of all members present and no less than four members shall be required to pass an emergency ordinance.
 3. Resolutions. Three affirmative votes shall be required to pass a resolution.

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4. Land Use Planning Orders. Three affirmative votes shall be required to deny or affirm an appeal of a quasi-judicial matter before the Council and to adopt the findings, conclusion and order.
 5. Consent Agenda. The unanimous vote of all members of the Council present and no less than four members shall be required to approve the matters on the consent calendar.
 6. Reports. Three affirmative votes shall be required if approval or acceptance of a report is requested. No vote shall be required on reports of an informative nature which request no Council action; they will be placed on file or filed for no further consideration.
 7. Four-Fifths Calendar.
 - a. Three affirmative votes shall be required to pass a matter on the Four-Fifths Calendar.
 - b. A Four-Fifths matter laid on the table may not be taken up at the same meeting without a Four-Fifths vote, but it may be taken up at a subsequent meeting by a majority vote.
 8. Suspension of Rules. Four affirmative votes shall be required to suspend or rescind a rule contained in this Chapter, however, rules in this Chapter which also appear in the Charter shall not be suspended or rescinded.
 9. Exceptions. The requirement of three affirmative votes shall not apply to a motion to adjourn or recess or to compel the attendance of absent members. It shall require an affirmative vote of a majority of the Council Members present.
 10. Ordinance Granting Franchise. Four affirmative votes shall be required to pass an ordinance granting a franchise.
 11. Recordation of Vote. The minutes shall include the results of all votes.
 12. Order of Voting. In all roll call votes, the Mayor shall vote last. The roll call for Commissioners' votes shall be in order of position. Beginning January 1 of every year, the Commissioner in Position No. 1 shall vote first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The roll call order shall be modified on the first day of each subsequent calendar quarter so that the Commissioner whose position number was first in the roll call order in the previous calendar quarter shall vote last.
- J. Reconsideration.**

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1. It shall be in order for any member who voted with the prevailing side to move for reconsideration. Any member may second the motion. No motion shall be made more than once.
2. No motion for reconsideration shall be made after the ordinance, resolution or act has gone out of the possession of the Council. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
3. The prevailing side in a motion to remove the emergency clause from an emergency ordinance is the side which prevented the emergency ordinance from being enacted.

K. Effective Date.

1. The following ordinances shall take effect immediately upon the passage or at any specified date less than thirty days after passage.
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A non-emergency ordinance except as provided in Section 3.02.040 K.1.a. and b. and the Charter for an ordinance granting a franchise shall take effect thirty days after passage unless a later date is fixed on the ordinance in which event it shall take effect at the later date. The filing of a referendum petition shall suspend the effective date of the ordinance.
3. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

L. Objection to Ordinance.

1. At any time within ten days after the passage of any ordinance which does not take effect immediately, any member of the Council may file, in writing, objections to the ordinance, which shall be considered and voted by the Council at its next regular meeting.
2. If a majority vote to sustain the objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance.

M. Appointments.

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1. The Mayor shall make all appointments to Committees unless otherwise ordered by the Council or otherwise provided by Charter or Code.
2. The member first named shall act as chairperson.

N. Adjournment.

1. A motion to adjourn shall require an affirmative vote of a majority of the Council Members present and shall be decided without debate.
2. When a motion to adjourn has been put to a vote, and it has failed, it shall not be considered again until some other business has been considered.

3.02.050 Authority to Adopt Rules, Procedures and Forms.

(Added by Ordinance No. 177787, effective August 13, 2003.) The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02.

3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.

(Added by Ordinance No. 188280; amended by Ordinance Nos. 189556 and 190476, effective June 30, 2021.)

- A.** To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.
- B.** For purposes of this Section, an ejection is an order made by a Person-in-Charge to immediately leave the meeting, and an exclusion is an order made by the Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, or their designees prohibiting a person from entering or remaining at future meetings for a specified period of time.
- C.** Ejection or exclusion shall be issued in the following manner:
 1. The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.
 2. For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly

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carrying on of the business of the meeting. Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers or such other place as the Council may be in session; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

3. A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.
 4. For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.
- D.** If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.
- E.** If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.
- F.** The Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, or their designees, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Code Hearings Officer in the manner provided under Section 3.18.030.
- G.** Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no

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circumstances shall the presiding officer or any member of the Council be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

- H.** It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.
- I.** An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the Council Clerk for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.
- J.** The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any Person-in-Charge may eject that person by applying the provisions of this Section.

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CHAPTER 3.04 - SUBPOENA POWERS

Section:

- 3.04.010 Legislative Subpoena Power.
- 3.04.020 Administering Oaths to Witnesses.
- 3.04.030 Enforcement of Legislative Subpoena.

3.04.010 Legislative Subpoena Power.

(Amended by Ordinance No. 188362, effective May 10, 2017.)

- A.** For the purpose of compelling the attendance of witnesses or the production of records, the Council may by resolution direct the Mayor or the Auditor to issue a subpoena under the seal of the City.
- B.** After issuance, the subpoena shall be served in the manner of service as prescribed by State law for delivery of a summons by civil process in a court of competent jurisdiction. A return of service shall be delivered to the authority who issued the subpoena within 10 days after its delivery to the person for service, with proof of service of the subpoena or that the person cannot be found.
- C.** The witness fees and mileage to be paid shall be the same as prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. Witnesses shall be reimbursed by the City, from funds as directed by Council.
- D.** It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to allow the records to be examined, unless the person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against compliance with the subpoena, whether or not the person made any specific objection or raised that specific defense in seeking the order to quash
- E.** A witness shall not be required to answer any question or to act in violation of the witness's rights under the constitutions of the State or of the United States.
- F.** For purposes of this Chapter 3.04, "records" shall mean any books, paper, documents or other information, in whatever format or however stored.

3.04.020 Administering Oaths to Witnesses.

(Added by Ordinance No. 188362, effective May 10, 2017.) The Presiding Officer of Council may administer oaths to any subpoenaed witnesses in any proceedings under the Council's examination.

3.04.030 Enforcement of Legislative Subpoena.

(Added by Ordinance No. 188362, effective May 10, 2017.)

- A.** If a person subpoenaed as provided in Section 3.04.010 fails to appear to testify or fails to produce any records as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry, the City Attorney may apply to any court of competent jurisdiction for an order to the person to attend and testify, or otherwise to comply with the subpoena.
- B.** The City Attorney's application to the court may seek an order requiring the person against whom the subpoena is directed to comply with the subpoena within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

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**CHAPTER 3.05 - CITY AUDITOR'S AUDIT
SERVICES DIVISION**

(Chapter replaced by Ordinance No. 170381,
effective August 16, 1996.)

Sections:

- 3.05.010 Independence.
- 3.05.020 Scope of Audits.
- 3.05.030 Annual Audit Plan.
- 3.05.035 Special Audits.
- 3.05.040 Access to Information.
- 3.05.045 Confidential Information.
- 3.05.050 Response to Audit.
- 3.05.060 Audit Reports.
- 3.05.065 Report of Irregularities.
- 3.05.070 Contract Auditors, Consultants and Experts.
- 3.05.080 External Quality Control Review.

3.05.010 Independence.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A. The Audit Services Division is established within the City Auditor's Office, answerable directly to the City Auditor in accordance with City Charter.
- B. The Audit Services Division will adhere to generally accepted government auditing standards in conducting its work and will be considered independent as defined by those standards.
- C. If the Audit Services Division conducts an audit of an activity for which the City Auditor is or was responsible, the audit scope will state that the auditors are not organizationally independent with regard to the entity being audited.

3.05.020 Scope of Audits.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A. The Auditor shall conduct financial and performance audits of all departments, bureaus, offices, boards, activities, functions and administrative agencies of the City of Portland to independently determine whether:
 - 1. Activities and programs being implemented have been authorized by City Charter or Code, state law or applicable federal law or regulations;
 - 2. Activities and programs are being conducted in a manner contemplated to accomplish the objectives intended by City Charter or Code, state law or applicable federal law or regulations;

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3. The activities or programs efficiently and effectively serve the purpose intended by City Charter, Code, state law or applicable federal law or regulations;
 4. Activities and programs are being conducted and funds expended in compliance with applicable laws;
 5. Revenues are being properly collected, deposited and accounted for;
 6. Resources, including funds, property and personnel, are adequately safeguarded, controlled and used in a faithful, effective and efficient manner;
 7. Financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
 8. There are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
 9. Indications of fraud, abuse or illegal acts are identified for further investigation.
- B.** Audits shall be conducted in accordance with Government Auditing Standards for financial and performance audits issued by the Comptroller General of the United States.

3.05.030 Annual Audit Plan.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** By the beginning of each fiscal year, the Auditor shall submit an annual audit plan to Council for review and comment. The plan shall include the departments, bureaus, offices, boards, activities, functions and administrative agencies scheduled for audit during the year. This plan may be amended during the year after review with Council members affected by the change. Additionally, the Auditor may spontaneously initiate and conduct any other audit deemed necessary to undertake.
- B.** In accordance with independence provisions of generally accepted government auditing standards, the authority for selection of audit areas shall reside solely with the City Auditor.

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3.05.035 Special Audits.

- A.** Council members may request that the Auditor perform special audits that are not included in the annual audit plan. After consultation with Council members whose work would need to be postponed, special audits may become amendments to the annual audit plan.
- B.** Special audit reports will be handled the same as regular audit reports, except that in personnel matters of a confidential nature, reporting of results may be limited to the Commissioner in Charge and the Mayor.

3.05.040 Access to Information.

(Amended by Ordinance No. 188842, effective March 30, 2018.) In accordance with City Charter, subject to collective bargaining obligations to the City's recognized bargaining units, the Auditor shall have timely access to all employees, information and records required to conduct an audit or otherwise perform audit duties, including confidential and legally privileged information and records so long as privilege is not waived as to third parties. All officers and employees of the City of Portland shall timely furnish the Auditor with requested information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide timely access for the Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to timely produce the aforementioned information, then the Auditor, subject to Council approval, may, without fee, cause a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, excepting personal information, and every office having the custody of such records shall make a search and forward such requested exhibits to the Auditor.

3.05.045 Confidential Information.

(Added by Ordinance No. 183217; amended by Ordinance No. 188842, effective March 30, 2018.) The Auditor shall not disclose confidential or legally privileged information and records and shall be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure. The Auditor shall maintain the confidentiality of information submitted in confidence and the identity of the provider of such information to the extent allowed by law, except as the Auditor deems necessary to discharge the Auditor's duties or as directed by the District Attorney pursuant to a public records request or by a court of competent jurisdiction.

3.05.050 Response to Audit.

(Amended by Ordinance No. 188842, effective March 30, 2018.) A final draft of each audit report will be forwarded to the auditee and the Commissioner in Charge for review and comment before it is released. The auditee must respond in writing specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a timetable to complete such activities. The response must be forwarded to the Auditor

within the time frame specified by the Auditor. The Auditor will include the full text of auditee and Commissioner responses in the report.

3.05.060 Audit Reports.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** Each audit will result in a written report.
- B.** Reports are to be issued promptly so as to make information available for timely use by Council, management and other interested parties.
- C.** The Auditor will submit each audit report to the Council and will retain a copy as a permanent record.
- D.** If appropriate, the audit report shall contain the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the auditee or if the audit is a performance audit, the report will contain the professional conclusions of the audit regarding the management activities audited.
- E.** Audit reports issued by the Auditor shall contain:
 - 1.** A statement of audit objectives and a description of the audit scope and methodology;
 - 2.** A statement that the audit was performed in accordance with generally accepted government auditing standards;
 - 3.** A description of all significant instances of non-compliance and abuse and all instances of illegal acts found during or in connection with the audit;
 - 4.** A full discussion of audit findings and conclusions, including the cause of problem areas and recommendations for necessary or desirable action;
 - 5.** A statement of all significant management controls that were assessed and any significant weaknesses found;
 - 6.** Pertinent views of responsible officials concerning audit findings, conclusions and recommendations;
 - 7.** A listing of any significant issues needing further study and consideration;
 - 8.** A description of noteworthy accomplishments of the auditee.

3.05.065 Report of Irregularities.

If the Auditor detects apparent violations of law or apparent instances of malfeasance or nonfeasance by an officer or employee or information that indicates derelictions may be

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reasonably anticipated, the Auditor shall report the irregularities to the Commissioner in Charge and the Mayor. If the irregularity is criminal in nature, the Auditor shall immediately notify the City Attorney and the District Attorney in addition to those previously cited.

3.05.070 Contract Auditors, Consultants, and Experts.

(Amended by Ordinance No. 188842, effective March 30, 2018.) Within budget limitations, the Audit Services Division may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform audit services. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The Auditor's Audit Services Division will coordinate and monitor auditing performed by public accounting or other organizations employed under contract by the City of Portland to assist with audit related activities.

In choosing the outside independent auditors to conduct the City's annual financial statement audit, the Auditor will convene a committee of at least three City bureau managers, including the Auditor or the Auditor's representative to prepare a request for proposal and to screen applicants. The Auditor's selection of a certified public accounting firm for the annual financial audit must be approved by Council. Normally, this contract will be for a three to five year period.

3.05.080 External Quality Control Review.

The Audit Services Division of the City Auditor's Office shall be subject to peer review at least once every three years by a professional, non-partisan objective group utilizing guidelines adopted by the National Association of Local Government Auditors. The review will evaluate compliance with generally accepted government auditing standards. A copy of the written report of any such independent review shall be furnished to each member of the City Council.

**CHAPTER 3.06 - DEPARTMENTS, BUREAUS
AND DIVISIONS GENERALLY**

Sections:

- 3.06.010 Departments Enumerated.
- 3.06.020 Bureaus and Divisions.
- 3.06.030 Acting Chief of Bureau or Office.

3.06.010 Departments Enumerated.

The administrative service of the City shall be divided into the following executive departments:

- A. Department of Public Affairs;
- B. Department of Public Safety;
- C. Department of Public Utilities;
- D. Department of Public Works;
- E. Department of Finance and Administration.

Each department shall be headed by a Commissioner.

3.06.020 Bureaus and Divisions.

The various functions and activities of the government of the City shall be assigned to bureaus, divisions, or other administrative units as herein provided by ordinance from time to time. The bureaus and activities assigned thereto shall be distributed to the departments by order of the Mayor.

3.06.030 Acting Chief of Bureau or Office.

(Added by Ordinance No. 135664, effective December 6, 1972.) Unless specifically provided otherwise by ordinance, in the absence because of illness, disability, vacation or leave of absence, and upon resignation, retirement or discharge, of the chief of any bureau or office, whose duties are general by virtue of that position, his chief assistant or deputy shall serve as acting chief and perform the duties of chief without additional compensation, until the Council, the Commissioner In Charge or the superior official in charge directs assigns or otherwise or a permanent successor is designated and takes office.

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CHAPTER 3.08 - TREASURER

(Chapter replaced by Ordinance No. 151419;
Amended by Ordinance No. 184539, effective May
20, 2011.)

Sections:

- 3.08.010 Office.
- 3.08.020 Salary - Bond.
- 3.08.030 Duties of City Treasurer.
- 3.08.040 Treasurer Authorized to Deposit in Banks.
- 3.08.050 Liability of Treasurer for Deposit of Funds.
- 3.08.060 Council May Require Additional Security from Banks.
- 3.08.070 City Officers or Agents to Pay Money to the City Treasurer.

3.08.010 Office.

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) Public Finance and Treasury is a division within the Bureau of Revenue and Financial Services reporting to the Office of Management and Finance and shall consist of the City Treasurer, Debt Manager, Investment Officer, and such employees as the Council may provide.

3.08.020 Salary-Bond.

The salary of the City Treasurer shall be fixed by ordinance. A surety bond, payable to the City of Portland, in the sum of not less than \$200,000 shall secure the faithful performance and fidelity of City Treasurer duties. Any conflict between this Section and any other Sections in the City Code shall be interpreted to require the greater of any bond amounts or assurances in favor of the City.

3.08.030 Duties of City Treasurer.

(Amended by Ordinance Nos. 158556 and 177246, effective March 7, 2003.) Except as provided in this Chapter, the duties of the City Treasurer shall include the investment of all City funds in accordance with all statutes relating to investment of public funds, and in accordance with the City's current investment policy. The Treasurer may delegate to other City officials any duties or responsibilities assigned to the Treasurer by Charter, Code or statute relating to the foreclosure of delinquent liens.

3.08.040 Treasurer Authorized to Deposit in Banks.

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) The Treasurer shall have the authority to open or close bank accounts in the name of the City. The Treasurer shall make disposition of City deposits in such a manner as found by the Treasurer to be in the City's best financial interests. City funds in any bank are in the custody of the City Treasurer as required by law. The Treasurer shall be authorized to enter into deposit agreements as may be agreed upon with the bank. Each bank shall be authorized to accept City funds for deposit to any such accounts when tendered by any person without obligation to ascertain that the funds are being deposited in the proper

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account. The City Treasurer shall furnish each bank at which an account is maintained, a written statement naming the person or persons authorized to withdraw funds from such account, declaring the persons named therein are authorized assistants in the Public Finance and Treasury Division and certifying the signatures of the persons so named. Each bank should be authorized to honor withdrawals by the City Treasurer or by the person or persons named in such statement until written notice of cancellation or change is delivered to and received by the bank at which the account affected is maintained. In the event of the termination of services or death of the City Treasurer, the Chief Financial Officer shall make a record showing the time of termination and give notice to the banks maintaining a City account. The new City Treasurer shall be responsible for all monies received and disbursed after such time except that outstanding checks may be paid in due course and charged against the proper bank account. Each new City Treasurer shall promptly verify with each bank in which City funds are deposited and ascertain the exact balance and make sure rectification as may be needed because of outstanding checks. Each new City Treasurer shall have and exercise all of the authority of his/her predecessor and may execute any new banking agreements.

3.08.050 Liability of Treasurer for Deposit of Funds.

In the event of bank failure or bankruptcy and when deposits have been made as provided herein or authorized by law of the Charter, the Treasurer shall be exempt from all liability for loss of deposits, or bankruptcy or other acts of the bank or bankers to the extent and amount of such deposits.

3.08.060 Council May Require Additional Security from Banks.

If the Council deems the securities pledged by any bank insufficient and inadequate security for the City deposits with such bank, other or additional securities to be given by such bank shall be requested and require approval by the Council. If such bank fails to furnish such securities promptly, the Treasurer at once shall withdraw all deposits from such bank and such bank shall cease to be a depository of the City funds. To be reinstated as a depository of City funds requires that the bank deposit securities deemed satisfactory by a vote of the Council.

3.08.070 City Officers or Agents to Pay Money to the City Treasurer.

(Amended by Ordinance No. 186746, effective August 6, 2014.) Any officer or agent of this City or other person who shall receive or have possession of any money belonging to the City shall immediately pay the same to the Treasurer who shall receipt the money. Failure to pay to the Treasurer any money received within 24 hours shall be deemed sufficient cause for removal in the absence of excusable failure.

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**CHAPTER 3.10 - OFFICE OF CITY
ATTORNEY**

(Chapter replaced by Ordinance No. 155956,
effective June 11, 1984.)

Sections:

- 3.10.010 Office of City Attorney.
- 3.10.030 Duties and Responsibilities.
- 3.10.040 Chief Deputy City Attorney.
- 3.10.050 Records.
- 3.10.060 Attorney-Client Relationship.
- 3.10.070 Settlements.
- 3.10.080 Outside Counsel Conflicts of Interest.

3.10.010 Office of City Attorney.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The Office of the City Attorney shall consist of the City Attorney and such subordinate employees as the Council may provide. The deputies of the City Attorney shall be appointed by the City Attorney in writing and shall continue in service during the City Attorney's pleasure. In the event of a vacancy in the position of the City Attorney, the deputies shall continue in office with a Chief Deputy serving as acting City Attorney until such time as the Council appoints a new City Attorney.

3.10.020 General Organization.

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

3.10.030 Duties and Responsibilities.

(Amended by Ordinance Nos. 156711, 165112, 181483 and 189426, effective March 20, 2019.) The City Attorney shall have the following duties:

- A.** Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act and except as provided in 3.10.030 G.4., the City Attorney shall not represent individuals in their personal capacity and shall not represent individuals who, after investigation by the OMF Risk Management Division, are found by the Bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney shall not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;

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- B.** Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It shall be the responsibility of the City officials or employees who prepare such documents to submit the documents to the City Attorney for review;
- C.** Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;
- D.** Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the preceding year and highlighting significant legal cases and trends involving the City;
- E.** Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions
- F.** Seek to prevent legal problems for the City by training, directing and educating City employees about legal issues;
- G.** Institute legal proceedings for the City in any court or tribunal on direction by resolution of the Council, as otherwise provided herein. The City Attorney may institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the City Attorney deems advisable. The City Attorney shall prosecute other appeals on direction by resolution of the Council. The City Attorney may also upon approval of the Commissioner In Charge and for good cause shown:
 - 1.** Seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third-party claim;
 - 2.** File in the appropriate forum the original or duplicate copies of a complaint for interpleader whenever the City shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties;
 - 3.** File briefs and related motions as amicus curiae in any appeal or other proceeding where legal issues are of interest to the City;
 - 4.** Represent City employees in their personal capacity in legal proceedings that have a connection to their City employment and are related to their personal safety, including but not limited to initiating affirmative litigation

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on behalf of affected City employees when they petition courts for restraining orders, injunctions, and other protections and remedies;

5. File a notice of appeal to protect the City's legal right to appeal in situations where the City Attorney believes an appeal is advisable and it is not practicable to obtain a Council resolution in the time allowed to perfect an appeal. The City Attorney shall seek Council authorization by resolution to continue the appeal as soon as practicable and shall immediately dismiss any appeal which Council declines to authorize by resolution.

3.10.040 Chief Deputy City Attorney.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The position of Chief Deputy City Attorney is hereby created and the City Attorney is authorized, from time to time to appoint one or more deputies to such positions and designate one Chief Deputy to be in charge of the Office in the absence of the City Attorney.

3.10.050 Records.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney shall have charge and custody of the Office of the City Attorney and of all legal papers pertaining thereto.

3.10.060 Attorney - Client Relationship.

(Amended by Ordinance Nos. 165112 and 181483, effective January 18, 2008.)

- A. The relationship between the Office of City Attorney and the City shall be an attorney-client relationship, with the City being entitled to all benefits thereof.
- B. Correspondence between the City Attorney and others in the City and the opinions and advice provided by the City Attorney to the City or to any City department, official, or employee are privileged attorney-client communications.
- C. In suits, actions, or other proceedings in which the City Attorney, with the concurrence of the OMF Risk Management Division, accepts the defense of a City official, employee, or other person pursuant to the requirements of the Oregon Tort Claims Act, the relationship between the Office of the City Attorney, and the official, employee, or other person shall be an attorney-client relationship, with the official, employee, or other person being entitled to all the benefits thereof regarding the subject matter of the suit, action, or proceeding.

3.10.070 Settlements.

The City Attorney may settle suits, actions, or proceedings as follows:

- A. As the City Attorney deems advisable, after consultation with the affected bureau, if appropriate, in cases of suits, actions, or proceedings seeking enforcement of any regulation or license requirement including payment of any fee, penalty, or interest,

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established by the Charter, Code, ordinance, or statute, and collection of any account receivable;

- B.** With the written approval of the Commissioner In Charge, in cases of any other suits, actions, or proceedings except for settlements requiring payment by the City in excess of \$5,000; and
- C.** With the approval by ordinance of the Council in cases of suits, actions, or proceedings requiring payment by the City in excess of \$5,000.

3.10.080 Outside Counsel Conflicts of Interest.

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney is authorized to waive on behalf of the City potential conflicts of interest of private legal counsel retained by the City if the City Attorney determines the waiver to be in the City's interest.

3.10.090 Indemnities Fund.

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

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**CHAPTER 3.12 - BUREAU OF
TRANSPORTATION**

(Chapter replaced by Ordinance No. 182389,
effective January 2, 2009.)

Section:

- 3.12.005 Purpose.
- 3.12.010 Organization.
- 3.12.020 Vision and Mission.
- 3.30.030 Duties of the Bureau of Transportation.
- 3.12.040 Administrative Rules and Procedures.

3.12.005 Purpose.

(Added by Ordinance No. 190590, effective October 27, 2021.) The purpose of this Chapter is to describe the organization and functions of the Bureau of Transportation. The Bureau of Transportation shall be charged with the responsibility for the finance, operation, maintenance, and improvement of the transportation system. The Bureau of Transportation shall be responsible for management of the public right-of-way as provided under City Charter, ordinances, and Oregon law.

3.12.010 Organization.

(Amended by Ordinance No. 190590, effective October 27, 2021.) The Bureau of Transportation shall be under the direction and control of the Director of Transportation. The Director shall be responsible for the overall coordination and management of the groups of the Bureau of Transportation to assure the goals of the City Council are met and the mission and goals of the Bureau of Transportation are achieved. This includes responsibility for productivity, responsiveness and effectiveness of the services and programs of the Bureau of Transportation.

The Director of Transportation shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Section. The City Engineer shall be an employee within the Bureau of Transportation. Responsibilities and authorities of the City Engineer provided in this Code shall be performed by a Professional Engineer.

3.12.020 Vision and Mission.

(Added by Ordinance No. 190590, effective October 27, 2021.) The Bureau of Transportation seeks to create and maintain a safe, reliable, equitable, and affordable transportation system that supports Portland's prosperity with a high quality of life, an inclusive and connected community, and a low carbon footprint.

The Bureau of Transportation works with the community to shape a livable city. The Bureau of Transportation plans, builds, and maintains an effective and safe transportation system that provides people and businesses the access and mobility they need and deserve.

3.30.030 Duties of the Bureau of Transportation.

(Added by Ordinance No. 190590, effective October 27, 2021.) For the purposes of this code, the Bureau of Transportation shall be responsible for:

- A. The administration and enforcement of:
 - 1. Title 16 Vehicles and Traffic
 - 2. Sections of Title 17 Public Improvements relating to Transportation
 - 3. Sections of Title 24 relating to Transportation

3.12.040 Administrative Rules and Procedures.

(Added by Ordinance No. 190590, effective October 27, 2021.) The Director of the Transportation may adopt, amend, and repeal rules, policies, procedures, and forms pertaining to matters within the scope of this Code.

- A. Permanent Rules
 - 1. Any adoption, amendment, or repeal of a rule pursuant to this Section requires a public review process which includes a minimum 30-day public comment period and the opportunity for a public hearing.
 - 2. Public notice shall be given not less than 30 days before adoption. Such notice shall include the location at which copies of the full text of the proposed rules may be obtained and the place and time of a proposed public hearing.
 - 3. The Director is only required to hold the public hearing if requested to do so.
- B. Interim Rules
 - 1. The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the public interest.
 - 2. Interim rules will be effective for a period of no longer than 120 days.

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**CHAPTER 3.13 - BUREAU OF
ENVIRONMENTAL SERVICES**

(Chapter added by Ordinance No. 155385, effective
December 8, 1983.)

Sections:

- 3.13.010 Purpose.
- 3.13.020 Organization.
- 3.13.030 Mission.
- 3.13.040 Administrative Rules and Procedures.
- 3.13.050 Permitting Authority.

3.13.010 Purpose.

(Amended by Ordinance Nos. 163823 and 168321, effective December 30, 1994.) The purpose of this Chapter is to describe the organization, and mission of the Bureau of Environmental Services. This Bureau of Environmental Service, created by Ordinance in 1983, is committed to the proper management, protection, and where practicable enhancement of our natural resources.

3.13.020 Organization.

(Amended by Ordinance Nos. 168321, 174830 and 185397, effective July 6, 2012.) The Bureau is administered by the Commissioner in charge and led by the Director of Environmental Services. The Director works with Group Managers and their staff in pursuit of the mission. The organizational structure of the Bureau shall be determined by the Director after consultation with the Commissioner in charge. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management. The Director shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Code.

3.13.030 Mission.

(Amended by Ordinance Nos. 168321 and 174830, effective September 22, 2000.) The Bureau of Environmental Services serves the community by protecting public health, water quality and the environment. To achieve this, the Bureau:

- A. Protects, enhances and restores natural waterways; and
- B. Provides sewage and stormwater services to accommodate current and future needs.

3.13.040 Administrative Rules and Procedures.

(Added by Ordinance No. 185397, effective July 6, 2012.)

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- A.** The Director of the Bureau of Environmental Services may adopt, amend and repeal rules, policies, procedures, and forms pertaining to matters within the scope of this Code.
- B.** Any adoption, amendment or repeal of a rule pursuant to this Section requires a public review process which includes a minimum 30-day public comment period and the opportunity for a public hearing. Notice shall be given by publication in a newspaper of general circulation not less than 30 days before adoption. Such notice shall include the location at which copies of the full text of the proposed rules may be obtained and the place and time of a proposed public hearing. The Director is only required to hold the public hearing if requested to do so.
- C.** During the public review process, the Director shall hear testimony or receive written comment concerning the proposed rules and prepare a report of findings and recommendations. The Director shall review findings and recommendations, taking into consideration the comments received during the public review process, and shall either adopt, modify or reject proposals. If a substantial modification is made, the Director may provide additional time for the public review process. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the office of the Director and in the Portland Policy Documents repository described in Chapter 1.07.
- D.** Notwithstanding Subsections 3.13.040 B. and C., the Director may adopt an interim rule without prior notice if failure to act promptly would result in a threat to public health and safety or the environment. Any interim rule adopted pursuant to this Paragraph shall be effective for a period of not longer than 180 days.

3.13.050 Permitting Authority.

(Added by Ordinance No. 186902, effective December 26, 2014.) The Director of the Bureau of Environmental Services is authorized to develop and require permits, authorizations, inspections, and other forms of review and approval to implement and assure compliance with those sections of this code that are administered by the Bureau of Environmental Services.

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**CHAPTER 3.15 - OFFICE OF MANAGEMENT
AND FINANCE**

(Chapter replaced by Ordinance No. 189556,
effective July 12, 2019.)

Sections:

- 3.15.010 Purpose.
- 3.15.020 Definitions.
- 3.15.030 Organization.
- 3.15.040 Functions.
- 3.15.050 Powers and Duties of the Chief Administrative Officer.
- 3.15.060 Office of the Chief Administrative Officer.
- 3.15.070 Bureau of Revenue and Financial Services.
- 3.15.080 Bureau of Human Resources.
- 3.15.090 Bureau of Technology Services.

3.15.010 Purpose.

The purpose of this Chapter is to describe the organization, functions, duties and responsibilities of the Office of Management and Finance.

3.15.020 Definitions.

- A. “Administrative services” means all those functions that provide products, services and support to City employees and programs that in turn provide direct services to the public. These services include, but are not limited to, the following: administrative support; accounting; debt management; treasury management; payroll; grant administration; license; tax and fee collection; policy and program development; risk management; facilities and property management; fleet management; human resources and personnel services including employee training and education; technology services; printing and distribution; and procurement services.
- B. “Communications systems” includes, but is not limited to, citywide radio, video, data communications, microwave, wireless communications and telephone systems and equipment.
- C. “Data grant agreements” are agreements in which the City will grant the use of pertinent Geographical Information Systems (GIS) data to agencies, organizations or individuals (grantees) for research projects or projects performed under contract with the City. Data grant agreements may include direct cost reimbursements to the City.
- D. “Technology systems” includes, but is not limited to, City authorized computer and telecommunications hardware, software, on premises and cloud computing or web-

hosted services and systems that utilize the internet and/or any other communications network.

- E.** “Vehicles and equipment” includes, but is not limited to, motorized mowers, bicycles, motorcycles, electric and hybrid vehicles, sedans, vans, SUVs, light-, medium- and heavy-duty trucks, heavy equipment, trailers and other specialized equipment.

3.15.030 Organization.

- A.** The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO) and shall include such other employees as the Council may provide. The CAO shall be appointed by the Mayor who shall serve as the Commissioner-in-Charge of the Office of Management and Finance, unless the Council directs otherwise. The CAO shall report to the Mayor or the assigned Commissioner-in-Charge but shall serve for the benefit and interest of the entire Council, including providing information and advice to elected officials.
- B.** The CAO may appoint a Deputy Chief Administrative Officer (DCAO) to assist the CAO with planning, directing, and communicating the activities and operations of the Office of Management and Finance and all its associated bureaus.
- C.** The Office of Management and Finance consists of the Office of the Chief Administrative Officer, the Bureau of Revenue and Financial Services, the Bureau of Human Resources, and the Bureau of Technology Services.

3.15.040 Functions.

The Office of Management and Finance shall provide and coordinate administrative service functions of the City in support of the operational needs of City bureaus and shall perform other duties as assigned. Bureaus shall use the services of the Office of Management and Finance unless otherwise authorized by the CAO or directed by the Council.

3.15.050 Powers and Duties of the Chief Administrative Officer.

The CAO, or designee, is authorized to:

- A.** Formulate, approve and issue administrative rules, procedures and systems for providing City administrative services.
- B.** Implement and monitor administrative rules and systems for providing administrative services.
- C.** Recommend alternatives to the Council for providing administrative services.
- D.** Determine if any administrative service should be provided by City staff or outside vendors.

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- E.** Advise the Council and provide staff support to citywide projects and oversight committees.
- F.** Determine the duties and reporting relationships for positions responsible for centralized administrative services, including but not limited to human resources, financial services and technology services.
- G.** Provide analysis and recommendations related to City budget proposals to the City Budget Director, Mayor or Commissioner-in-Charge of the Office of Management and Finance, and the Council.
- H.** Appear in legal action in Small Claims Court to assert on behalf of or to defend the City in any Small Claims action for recovery of money, damages or specific personal property, in collaboration and consultation with the City Attorney, including asserting counterclaims, cross-claims, or third party claims to undertake action as allowed under ORS Chapter 46 and may issue writs to execute on Small Claims Court judgments.
- I.** Manage intellectual properties, including but not limited to the Portland Oregon TM sign; develop, adopt and maintain an Acceptable Use Policy for licensing of intellectual properties; establish appropriate fee schedule for use of intellectual property; execute intellectual property license agreements upon approval to form by the City Attorney; and protect the City's intellectual property rights through enforcement in consultation with the City Attorney.
- J.** Enter into nondisclosure agreements between the City and any third party to review proprietary, confidential or privileged information held by the City or the third party, including to but not limited to information pertaining to: real estate and business transactions, banking and financial software systems, information technology systems, applications, software or hardware and trade secrets.
- K.** Perform other duties as assigned by the Mayor, the Commissioner-in-Charge of the Office of Management and Finance, or the Council.

3.15.060 Office of the Chief Administrative Officer.

(Amended by Ordinance No. 190478, effective June 30, 2021.)

- A.** The Office of the Chief Administrative Officer shall be supervised by the CAO, or designee, who shall have the authority to carry out the duties and functions described in this Section.
- B.** The Office of the Chief Administrative Officer shall provide asset management, policy development, communications, specific project management services, budget and financial services and other services or responsibilities the Council or CAO may assign.

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- C. The Office of the Chief Administrative Officer is responsible for the following:
1. Acquire, manage and maintain all City owned or leased vehicles and equipment, except certain identified Portland Fire & Rescue vehicles and equipment.
 2. Execute real property agreements including, but not limited to, easements, permits, licenses and leases, and amendments or renewals of such real property agreements.
 3. Oversee operations, maintenance, management, planning, capital improvement and acquisition for City Property, including but not limited to:
 - a. Real properties over which the Office of Management and Finance has assigned or delegated responsibilities;
 - b. Leasehold premises used by the City and managed by the Office of Management and Finance;
 - c. Real property which the Office of Management and Finance manages under intra-bureau, interagency or intergovernmental agreement(s); and,
 - d. City owned real property not specifically assigned to another bureau for property management.
 4. Provide facilities management services for real properties under the management of other bureaus upon intra-bureau agreements, including but not limited to:
 - a. Property management services for the purchase, inventory, sale, replacement and rental of real property;
 - b. Facilities maintenance services, including but not limited to: maintenance and repair of buildings and their related equipment; and the administration of janitorial, maintenance and security contracts; and,
 - c. Professional and technical services, including but not limited to architectural design, engineering, facilities and space planning and project management of capital projects.
 5. Enforce Rules of Conduct and City Property Exclusions, in accordance with Chapter 3.18

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6. Prioritize and undertake cleanup of unauthorized camping at City owned or managed real property without obtaining authorization from the bureau to which the property is assigned and at other governmental properties upon intergovernmental agreement. The Office of Management and Finance may consult with impacted public and private property owners. This grant of authority is in addition to the property managing bureau's authority to undertake property management for its assigned property but the bureau will coordinate with Office of Management and Finance before the removal of personal belongings.
7. Provide planning, policy development, project management and implementation and fund management for citywide or intergovernmental programs or initiatives.
8. Provide policy development, planning, communications, specific project management services, administrative support, budget and financial services for all bureaus and divisions in the Office of Management and Finance.
9. Coordinate advance payments for building rentals. In cases where building space has been or shall be rented by the City on lease or on a month-to-month basis and the owner requires advance payment of rentals or a security deposit, the City Controller is hereby is authorized to examine and allow such advance payment of rentals or security deposit, provided that advance payments of rentals shall be for a period of not to exceed 31 days.
10. Dispose of useable surplus personal property through donation to charitable organizations certified under the Internal Revenue Code Section 501(c)(3), where the property will be individually or in the aggregate less than \$5,000, and execute donation agreements with recipient charitable organizations upon approval to form by the City Attorney.
11. Dispose of surplus property deemed unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant transfer, sale, or donation.

3.15.070 Bureau of Revenue and Financial Services.

- A. The Bureau of Revenue and Financial Services provides centralized financial services, revenue and tax collection, business regulation, procurement, financial reporting and compliance, risk management, pension oversight and other services or responsibilities the Council or the CAO may assign.
- B. The Bureau of Revenue and Financial Services (BRFS) shall be supervised by a Director, who shall also serve as the Chief Financial Officer (CFO) of the City. The

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CFO shall report to the CAO but shall serve for the benefit of the entire Council including providing information and advice to elected officials.

- C. The CFO shall be responsible for the overall financial planning, coordination, management and fiscal sustainability of the City. The CFO, or designee, shall have the authority to:
1. Formulate, approve and issue financial policies, rules and procedures.
 2. Oversee revenue development and collection activities, including but not limited to:
 - a. Managing all billing and collection software used by the BRFS and other enterprise-wide revenue-collection software systems as applicable.
 - b. Managing, enforcing, collecting and auditing business taxes, transient lodging taxes, Arts Education and Access Income Tax and other taxes as assigned.
 - c. Managing, enforcing and auditing regulatory programs assigned by the Council, including the authority to enact administrative rules and regulations.
 - d. Managing lien assessments, collections and foreclosure.
 - e. Managing funds as assigned.
 3. Manage cash flow planning and liquidity.
 4. Manage the City's debt program and provide expert advice to City bureaus and officers regarding capital financing and the issuance of debt.
 5. Establish internal control systems to preserve City assets and report accurate financial results.
 6. Enter into nondisclosure agreements between the City and third parties to review confidential information, including trade secrets or other information designated as proprietary or privileged, related to banking and financial systems, applications, software or hardware, that may be under consideration for use by the City.
 7. Manage, administer, and enforce such responsibilities as are assigned to the Office for Community Technology by City Code or the Council.

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8. Perform such other duties as may be required by ordinance or by the Council, or which are necessary to implement the purposes of this Section.
- D.** A City Controller, who reports to the CFO, shall have the authority to:
1. Establish, maintain and enforce citywide accounting policies, practices, rules and regulations.
 2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the Popular Annual Financial Report (PAFR), the Single Audit Report and other reports required by federal, state and local regulations.
 3. Interpret accounting and financial reporting policies and practices, including pronouncements of the Governmental Accounting Standards Board (GASB).
 4. Conduct financial and compliance audits and other tests to determine compliance with citywide accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions, the cost of which shall be paid by the bureau being audited.
 5. Manage and oversee all incoming federal, state and private grants, and outgoing Special Appropriations grants and contracts.
- E.** A City Treasurer, who reports to the CFO, shall have all those authorities and responsibilities described in Chapters 3.08 and 5.30. The City Treasurer shall be responsible for providing centralized banking, merchant and investment services to all City bureaus, and ensuring compliance with City policies, industry best practices, and federal and state laws and regulations, including Payment Card Industry Data Security Standards.
- F.** A Chief Procurement Officer, who reports to the CFO, shall have all those authorities and responsibilities described in Chapters 5.33, 5.34 and 5.68 and shall manage and oversee all procurement, contractor services, procurement authority, and policies and rules for procurements, including verification of vendor compliance with City insurance requirements.
- G.** A Risk Manager, who reports to the CFO, shall have the authorities and responsibilities described in Chapter 3.54 and as described:
1. Administer, coordinate and control all activities related to commercial and self-insurance including but not limited to, property and casualty insurance, workers' compensation insurance, liability insurance and the City's right to subrogation on these insurance programs. These activities shall include:

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- a. Obtaining a public liability insurance policy or providing the necessary funding through a self-insurance program protecting the City, its officer, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon.
 - b. Administering workers' compensation insurance in accordance with the laws for the State of Oregon and on a self-insurance basis.
 - c. Maintaining records relating to commercial and self-insurance losses or claims filed against the City and executing any claim or proof of loss for damage to City property.
2. Monitor and coordinate a citywide loss prevention and control program to minimize potential property, liability, fidelity and personnel losses.
3. Evaluate and approve applications for self-insurance programs in lieu of commercial insurance requirements in any City agreement, including but not limited to contracts and permits.
4. Act on behalf of the City on all matters related to workers' compensation, including but not limited to the authority to:
 - a. accept, deny or defer claims;
 - b. authorize payments of benefits in the amounts required by law relating to claims filed with the City; and,
 - c. enter into settlements of claims whether it be on a disputed claims disposition agreement or disputed claim settlement basis, subject to the provisions of the City Charter governing settlements.
5. Act on behalf of the City and in the investigation, evaluation and settlement of property damage, general liability, bodily injury, personal injury, employment practices and other claims brought against the City under the Oregon Tort Claims Act and/or under state and federal civil rights laws, including complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries, or the Equal Employment Opportunity Commission, subject to the provisions of the City Charter governing settlements. In doing this work, the Risk Manager and designees shall be agents of the City Attorney acting on behalf of the City. Settlement of claims and court actions alleging employment discrimination or violations of employees' civil rights shall be subject to concurrence of the Bureau of Human Resources Director.

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6. Make settlements in an amount not exceeding \$5,000, subject to the provisions of the City Charter governing settlements.
7. Investigate and enter into settlements on fair and moral claims governed by Section 1-107 of the City Charter.

3.15.080 Bureau of Human Resources.

- A. The Bureau of Human Resources shall be supervised by a Director who shall report to the CAO. The responsibilities of the Bureau of Human Resources shall include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including labor relations and negotiations, promoting diversity and equity in outreach employment and recruitment services, classification and compensation, training and workforce development, human resources systems, payroll, deferred compensation, and employee benefits and wellness. The Bureau of Human Resources shall be responsible for the health benefit plan administration and funding including the Health Insurance Fund.
- B. The Human Resources Director shall formulate, administer and monitor administrative rules approved by the Council, or the CAO, including provisions for:
 1. Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and abilities.
 2. Classification and compensation.
 3. Employee behavior and expectations.
 4. Disciplinary guidelines with notice to employees of prohibited practices.
 5. Employee training and development.
- C. In accordance with Oregon law, the Human Resources Director or designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.
- D. Dispute Resolution.
 1. The Human Resources Director or designee(s) is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the Council.

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2. The Commissioner-in-Charge of a bureau shall retain the right to hear individual grievances and or complaints on a case by case basis. In settling such grievances and or complaints, the Commissioner-in-Charge shall do so with the advice and consent of the City Attorney and the Human Resources Director.
3. If the Commissioner-in-Charge of a bureau does not retain jurisdiction of a grievance and or a complaint within one week of receiving the issues, then the Human Resources Director shall automatically have jurisdiction to settle the issue.
4. Provision for resolution of disputes is as follows:
 - a. Within 1 day following the filing of a written grievance under a collective bargaining agreement or complaint under other written personnel policy adopted by the Council, the bureau or department recipient of the grievance or complaint shall provide a copy to the Human Resources Director of the written grievance or other complaint document. During the investigation of grievances and complaints, the Human Resources Director or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.
 - b. Where the claim is for wages or other monetary benefit not exceeding \$5,000 per claimant, the supervisor, division manager or bureau director, with the approval of the Commissioner-in-Charge of the bureau and of the Human Resources Director, may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:
 - (1) The Human Resources Director authorizes the settlement in writing and gives written notice to the payroll division or to the benefits program manager involved to draw and issue a check not exceeding \$5,000 per claim for the settlement expense, charged to the appropriate center code, account number or fund;
 - (2) Payments which are an exception to Section 5.08.020 of the Code, which requires payroll checks to be drawn only for services rendered, shall be made only when the Human Resources Director determines such payment to be in the best interests of the City and the Office of the City Attorney approves. This Section shall be narrowly applied.

5. Long-Term Disability
6. Employee Assistance Program; and
7. Deferred Compensation Program

Such provisions shall include employee participation eligibility and enrollment, claims management, procedures for record keeping and responsibility for all applicable reporting and disclosure requirements.

3.15.090 Bureau of Technology Services.

- A. The Bureau of Technology Services shall be supervised by the Chief Technology Officer (CTO) of the City, who shall report to the CAO. The Bureau of Technology Services shall manage, establish policies and standards, and provide technical support for all City-owned technology systems, communications systems, and all end user technology support services, including Help Desk and Desktop Support services, and citywide Geographical Information Systems, except those specifically exempted by the CTO. The Bureau of Technology Services shall additionally provide citywide printing and distribution management services.
- B. The Bureau of Technology Services:
 1. Provides citywide technology strategic planning and consulting services, including project scoping, budget preparation and analysis, system planning and procurement, security analysis, resource allocation and project management for technology projects.
 2. Designs, implements and manages all technology hardware and software, including on-premises or hosted system and cyber security measures.
 3. Designs, implements and manages all citywide communications systems and applications, including the Integrated Regional Network (IRNE).
 4. Provides all Internet and Intranet services to City bureaus, offices, boards and commissions and manages the City's official website, including managing and authorizing all City domain name registrations and renewals.
 5. In cooperation with BRFS, reviews and approves the purchase of all technology software, hardware, on premise or hosted systems and professional technology consulting services.
 6. Provides technical expertise and information for City technology projects.

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7. Provides all telephone services to City bureaus; coordinates with telephone vendors; orders new facilities and equipment for city-owned or leased systems; plan telephone systems; and resolve all telephone problems.
 8. Provides rapid, convenient reproduction, distribution and mail services and provide advice and consultation on these services.
 9. Reviews and approves requests for the lease or purchase of office copiers/printers, in compliance with procurement requirements in Chapter 5.33.
 10. Manages the processing of U.S. mail and pickup and delivery of interoffice mail, packages and equipment.
 11. Manages technology systems used to standardize and accomplish the City's business affairs and providing citywide services in, but not limited to, the areas of fiscal services, procurement and human resources services.
- C. The CTO, or designee, shall have specific authority to:
1. Enter into nondisclosure agreements between the City and third parties to review confidential information, including trade secrets and/or information designated as proprietary or privileged, related to systems, applications, software or hardware that may be considered for use by the City.
 2. Enter into data grant agreements in consultation with the bureau that is the custodian of record.

CHAPTER 3.16 - CITY BUDGET OFFICE

(Chapter added by Ordinance No. 185807, effective
December 12, 2012.)

Sections:

- 3.16.010 Organization.
- 3.16.020 Authority of Council.

3.16.010 Organization.

The City Budget Office shall be under the direction and control of the City Budget Director and shall include such other employees as Council may provide. The City Budget Director shall report to the Mayor. The City Budget Director shall serve and perform the duties of the City's budget officer, as defined in Oregon Revised Statutes, or shall name a designee to perform these duties. The City Budget Office is responsible for:

- A.** Coordinating development and administration of the City's budget, including capital budgeting and the development of budget recommendations for all City bureaus and funds;
- B.** Financial planning and operational review of the City's utilities, including administration and maintenance of an independent utility review function that provides City Council with an annual review of utility rates and economic impacts;
- C.** Long range financial forecasting for the City's funds, including oversight of the General Fund;
- D.** Preparing General Fund Five-Year Forecasts at least twice each fiscal year. The General Fund Five-Year Forecasts shall be released and made publicly available on or before December 31st and on or before April 30th;
- E.** Collaborating with the Office of Management and Finance on the development of financial forecasts and providing forecasting information to the Chief Administrative Officer when requested;
- F.** Monitoring expenditures and revenues for the City and all Bureaus and providing this information to Commissioners and the Chief Administrative Officer when requested;
- G.** Developing and analyzing financial policy and performance measurement systems and providing this information to Commissioners and the Chief Administrative Officer when requested;
- H.** Providing Council with financial information that informs the City's deliberations on collective bargaining agreements, and assisting the Bureau of Human Resources with the costing of collective bargaining agreements;

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- I. Performing other duties as assigned.

3.16.020 Authority of Council.

The City Budget Director shall be appointed by the Commissioner in Charge of the City Budget Office, but shall serve the entire Council, including providing information and advice and making available for inspection the books and records of the City Budget Office to any Elected Official making a request for the same as soon as practical.

**CHAPTER 3.18 - RULES OF CONDUCT FOR
CITY PROPERTY**

(Chapter added by Ordinance No. 188280, effective
April 14, 2017.)

Sections:

- 3.18.010 Designation of Persons-in-Charge.
- 3.18.020 Rules of Conduct at City Property.
- 3.18.030 City Property Exclusions.

3.18.010 Designation of Persons-in-Charge.

(Amended by Ordinance No. 189556, effective July 12, 2019.)

- A.** For purposes of ordering persons to leave City Property, the following are Persons-in-Charge:
 - 1.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.
 - 2.** Any person providing security services in any City Property pursuant to any contract with the City, or with any person, firm or corporation managing a City Property on the City's behalf.
 - 3.** Bureau property or facility manager, or designee.
 - 4.** With respect to facility or space assigned to a City bureau or City office, the director or manager of the City bureau or City office, or designee.
 - 5.** The Chief Administrative Officer or the Deputy Chief Administrative Officer of the Office of Management and Finance, or any person they specifically designate in writing.
 - 6.** Any person with exclusion authority under the Code.
 - 7.** The Mayor, a Commissioner or Auditor, or designee of these elected officials.
- B.** Delegation to a designee shall be made in writing. Any person so designated shall be a Person-in-Charge as that term is defined in ORS 164.205(5) until the delegation is terminated or the designated person ceases to be an employee or officer of the City of Portland. Copies of delegation will be provided to the City Attorney's Office and to the bureau property or facility manager.

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- C. Upon request, the City shall provide a copy of the Person-in-Charge designation or delegation list to the District Attorneys of Multnomah, Clackamas and Washington counties.
- D. For purposes of this Section, City Property shall include any real property either owned by the City or in which the City has a property interest or property management responsibility.
- E. For purposes of ordering persons to leave a public meeting of a City board or commission, the following are Persons-in-Charge:
 - 1. The presiding officer of the public meeting of a City board or commission.
 - 2. Any person providing security services at the public meeting of a City board or commission.
 - 3. Any person designated as a Person-in-Charge in Subsection 3.18.010 A.
- F. The authority granted to a Person-in-Charge by this Chapter are in addition to, and not in lieu of, any other authority granted under this Code.

3.18.020 Rules of Conduct at City Property.

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.)

- A. To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons at City Property, the Rules of Conduct in this Section apply and are to be enforced at all City Property except where specific rules of conduct or prohibitions have been adopted for designated real property the City owns or has a property interest or property management responsibilities.
- B. The Rules of Conduct for City Property are as follows:
 - 1. No person shall engage in any activity that would constitute a violation of federal, state or local law or regulation.
 - 2. No person may deface, damage or destroy City Property or City-owned personal property.
 - 3. No person shall enter, attempt to enter or remain in any areas of City Property designated as secured or restricted, or closed to public access.
 - 4. No person shall engage in activity that disrupts or interferes with: the normal operation or administration of City business at City Property; lawful use by City employees and authorized users at City Property; or City permitted activities.

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5. No person shall refuse or fail to obey any reasonable direction of a Person-in-Charge of a City Property. A direction of a Person-in-Charge is reasonable: if it directs a person to obey or to cease a violation of any law or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City Property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities, including dangerous or threatening behavior as defined in the Code.
6. No person shall possess any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Objects prohibited under this Paragraph include, but are not limited to, any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice pick, sling shot, slungshot, metal knuckles, nunchaku, studded hand coverings, swords, straight razors, tear gas, tear gas weapon, mace, pepper mace or similar deleterious agent, saps, sap gloves, hatchets or axes. The prohibitions of this Paragraph do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Paragraph do not apply to any thing possessed or used to carry out actions authorized by any contract or permit at the City Property.
7. No person shall smoke or carry any lighted smoking instrument at City Property in violation of Chapter 8.65. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.
8. No person shall make use of facility materials, equipment, furniture, or fixtures of a City Property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.
9. No person shall interfere or obstruct free passage of City employees or authorized visitors in or on City Property, including but not limited to placing objects that impede free passage.
10. No person shall use City Property for unauthorized storage of personal property or leave personal property unattended.

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11. No person shall make or continue a noise disturbance as defined under Chapter 18.04, or operate sound producing device or sound producing equipment except as permitted by the property manager of the City Property. Bullhorns and megaphones are not permitted in the interior of any building on City Property, or within the loggia or portico of any structure on City Property, except as permitted by the property manager for the City Property.
12. No person shall sell, distribute or deliver any alcoholic beverage on City Property, except as permitted by the property manager for the City Property.
13. No person shall sell, distribute or deliver any controlled substances on City Property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in Chapter 475 of the Oregon Revised Statutes.
14. No person may bring animals onto City Property, or leave animals tethered or unattended at City Property, except as permitted by the property manager for the City Property. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or task the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the property manager for the City Property.
15. No person shall solicit for or conduct business at City Property except as permitted by the property manager for the City Property.
16. No person shall use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, inside the property boundary of City Property. All persons must dismount at City Property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on City Property except as permitted by the property manager of the City Property. The prohibition in this Paragraph does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.
17. No person shall use City Property for housing or camping except as permitted by the property manager for the City Property and provided such use conforms with land use, zoning, building and other property regulations.
18. No person shall misuse or damage the City's technology systems or network, including its telecommunication equipment and data.

- 19.** No person shall enter, attempt to enter or remain in any areas of City Property for purposes other than to conduct legitimate business with City offices or tenants located at City Property, to enjoy the publicly accessible amenities at a City Property when the City Property is open to the public, or to lawfully assemble for social or public interaction at portions of City Property specifically designated for such assembly. The director of the bureau with property management responsibility for the City Property may adopt space use policy to manage conditions for property use including but not limited to establishing a reservation protocol, priority regarding uses and users, hours of use, and fees for use.
- C.** The director of the bureau with property management responsibility over a City Property, or designee, is authorized to adopt additional rules of conduct for any specified City Property managed by the bureau. The proposed additional rules of conduct shall be posted at the City Property where such proposed rules would apply, and shall be deemed part of the Rules of Conduct for the City Property. The proposed rules shall be final and effective no sooner than seven days after posting. Upon approval of the Commissioner in Charge, a bureau director may adopt interim additional rules of conduct without prior notice upon a finding that failure to act promptly will result in prejudice to the City's interest. Interim additional rules of conduct are final and effective upon posting at the City Property affected for a period not longer than 30 days. The bureau director shall submit final rules to the Auditor for filing in the Portland Policy Documents repository within two business days after the rules become effective.

3.18.030 City Property Exclusions.

- A.** The exclusion procedures in this Section shall be used for City Property subject to the Rules of Conduct in Section 3.18.020. If a person violates any Rule of Conduct at City Property described in Section 3.18.020 while in or upon City Property, any Person-in-Charge may eject and direct the person to leave the City Property for a period of 24 hours. In addition, the director of the bureau assigned property management responsibility for the City Property where the violation occurred, or designee, may issue an exclusion for any period of time up to 1 year from City Property.
- B.** Notwithstanding this Section, if public meetings of the City Council, or of City Boards and Commissions are held in a City Property, ejection and exclusion from the public meeting must comply with Section 3.02.060.
- C.** In determining the appropriate length of exclusion under this Section, the person issuing the exclusion shall consider: the seriousness of the conduct that led to the exclusion; prior instances of violations of the Rules of Conduct at City Property by the person to be excluded; the availability of alternative means for the person to

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conduct business with City officials and offices; and any other facts or circumstances that the person issuing the exclusion deems relevant.

- D.** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person-in-Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
- E.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person-in-Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.
- F.** A person receiving a notice of exclusion may request a limited modification from the Person-in-Charge issuing the exclusion for the purpose of attending a City Council or other public meeting or conducting specific business with a City official or office located at a City Property identified in the exclusion notice. The request must be in writing and must identify good cause for the desired modification. The Person-in-Charge may deny the request if the business with the City official or office may be conducted through alternate means or deferred until the exclusion period ends, or may deny the request on any reasonable basis. If modification is allowed, the Person-in-Charge may impose reasonable conditions for the limited entry, and may include a requirement that the person arrange with the Person-in-Charge to be escorted into and out of the location where the meeting is to be held or the business is to be conducted.

CHAPTER 3.20 - BUREAU OF POLICE

Sections:

- 3.20.010 General Organization.
- 3.20.020 Council to Organize and Make Rules and Regulations.
- 3.20.030 Authority of Chief of Police.
- 3.20.040 Duties of the Chief of Police
- 3.20.050 Subordinate Officers.
- 3.20.070 Fees to be Paid Over to Treasurer.
- 3.20.080 Policemen Receiving Gifts and Employing Attorneys - Penalty for Violation.
- 3.20.110 Duties of Police Force.
- 3.20.120 Council in Emergency to Appoint Temporary Policemen.
- 3.20.130 Record of Daily Arrests.
- 3.20.140 Police Review Board.
- 3.20.150 Fingerprints, Photographs and Records of Identification.
- 3.20.160 Police Chief to Make Rules and Regulations.
- 3.20.170 Uniforms.
- 3.20.180 Appointment and Removal of Police Reserves
- 3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
- 3.20.200 Membership Card and Star of Police Reserves.
- 3.20.210 Police Reserves Exempt from Civil Service.
- 3.20.230 Medical Examinations.
- 3.20.240 Membership.
- 3.20.360 Fees for Report on Police Records.
- 3.20.370 Accountability and Disposition of Fees.

3.20.010 General Organization.

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.)
The Bureau of Police shall consist of the Chief of Police and such other employees as the Council may provide. The Bureau shall be responsible for the enforcement of law and order. The Chief of Police shall be the Commanding Officer of the police force and shall direct the police work of the City. The Chief of Police shall be directly responsible to the Commissioner In Charge for the proper functioning of the Bureau. For administrative purposes the Bureau shall be made up of the following branches, each of which shall be commanded by a Deputy Chief and have personnel and such duties as may be assigned by the Chief of Police, subject to the approval of the Commissioner In Charge.

- A. Operations Branch;
- B. Investigations Branch;
- C. Operations Support Branch;
- D. Administrative Support Branch.

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The Deputy Chiefs serve under the command of the Chief.

3.20.020 Council to Organize and Make Rules and Regulations.

The Bureau of Police of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the civil service rules of the Charter. To that end the Council may make all necessary or convenient rules and regulations for the organization and conduct of the police force, for the care and management of the City prison, for receiving and hearing complaints against any member of the force, for the removal or suspension of any member of the force, and for the forfeiture of all or any portion of the wages that may be due any member of such force on account of misconduct or negligence in the discharge of his duties; all the powers of the City connected with and incident to the appointment, discipline, and government of its police shall be vested in the Council, except as otherwise provided by Charter.

3.20.030 Authority of Chief of Police.

The Chief of Police, after having taken the oath of office, shall thereafter, under the direction of the Commissioner of Finance and Administration, have command and control of the police force of the City.

3.20.040 Duties of the Chief of Police.

(Amended by Ordinance No. 138453; effective July 27, 1974.) The Chief of Police is a peace officer and must execute all processes directed to him by any magistrate of this State in criminal matters. He may make arrests for breach of peace or commission of crime within the limits of the City with or without a warrant as peace officers do under the laws of this State. He must exercise a vigilant control over the peace and quiet of the City. He shall exercise such additional powers as may be conferred upon him by the ordinances of the City to enable him to carry out the objects and purposes of this Charter.

3.20.050 Subordinate Officers.

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.) The Deputy Chiefs, Captains and other ranks or grades of police within the Bureau of Police shall possess like power and authority as the Chief of Police with respect to peace officer powers, except as herein provided. The Chief of Police shall have control over the Deputy Chiefs, Captains and all other employees of the Bureau of Police when they are on duty, and shall see that the City ordinances and rules, orders and regulations for the government of the police force are observed and enforced. He/she shall have power to recommend for suspension to the Commissioner In Charge any subordinate officer, member or employee for a violation of the same as prescribed by the Civil Service rules.

3.20.070 Fees to Be Paid over to Treasurer.

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received

by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

3.20.080 Policemen Receiving Gifts and Employing Attorneys -Penalty for Violation.

No member of the police force shall for his own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public service other than the regular salary and pay, except by the consent of the Council and Chief of Police, publicly given. Nor shall any member share in or receive any gift, fee, or reward from any person who may become bail for any arrested, accused, or convicted person who may become surety for any such, on appeal from or review of the judgment or decision of any court or magistrate, or any fee, gift, or reward in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense in Multnomah County. Nor shall any member, directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused. For any violation of either of the foregoing provisions the person so offending shall be immediately removed from the police force.

Upon complaint of any person alleging a violation of this Section the Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence. If it finds that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment.

3.20.110 Duties of Police Force.

The police force of the City shall at all times of the day and night within the boundaries of the City preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in streets, roads, public places, and highways, report all leaks and other defects in water pipes and sewers, and street lights not burning to the proper authorities, provide a proper force at every fire in order that thereby the firemen and property may be protected, protect strangers and travelers at the steamboat and ship landings and railroad stations, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

3.20.120 Council in Emergency to Appoint Temporary Policemen.

The Council in case of any mob, riot, pestilence, or on days of public demonstration may appoint such temporary policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. Such appointments shall not continue beyond the emergency.

3.20.130 Record of Daily Arrests.

The Bureau of Police shall keep a daily arrest docket and a municipal court transcript in substantially the following form:

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POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT City of Portland, Oregon DEPARTMENT OF FINANCE AND ADMINISTRATION Bureau of Police						
<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

The arrest docket may be printed in any size as may be determined by the Chief of Police and shall be a part of the original record of the Bureau of Police and shall be preserved and kept in the custody of the Bureau of Police.

3.20.140 Police Review Board.

(Replaced by Ordinance No. 183657; Amended by Ordinance Nos. 183995, 186416, 189159, 189292, 189673 and 190431, effective June 2, 2021.)

A. Purpose. The Police Review Board (“Board”) is an advisory body to the Chief of Police (“Chief”). The Review Board will make recommendations as to findings and proposed officer discipline to the Chief of Police.

B. Powers of the Board:

1. Review incidents and investigations. Except as provided in Code Section 3.20.140 J., the Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers (“officers”) who are employed by the Portland Police Bureau (“Bureau”) in the following cases:

a. The supervising Assistant Chief, the Director of the Independent Police Review Division of the Auditor (“IPR”) or the Captain of the Internal Affairs Division of the Bureau (“IAD”) controverts the findings or proposed discipline of the Reporting Unit (“RU”) manager pursuant to Code Section 3.21.120.

b. Investigations resulting in a recommended sustained finding and the recommended discipline is suspension without pay or greater.

c. The following incidents involving use of force:

(1) All officer involved shootings.

(2) Physical injury caused by an officer that requires hospitalization.

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a. Voting members

- (1)** One citizen member from a pool of citizen volunteers recommended by the Auditor and confirmed by the City Council.
 - (a)** Citizens shall be appointed for a term of no more than three years. Citizens may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.
 - (b)** All citizen members must meet at least the following qualifications to participate on the Police Review Board, except that requirements (ii) and (iv) below may be delayed and citizen members may still participate on the Police Review Board during a State of Emergency declared by the President of the United States or the Governor of the State of Oregon or the Mayor or Council of the City of Portland, and requirements (ii) and (iv) shall be met as soon as reasonably practicable under the circumstances of the State of Emergency:
 - (i)** Pass a background check performed by the Bureau.
 - (ii)** Participate in Bureau training to become familiar with police training and policies.
 - (iii)** Sign a confidentiality agreement.
 - (iv)** Participate in ride alongs to maintain sufficient knowledge of police patrol procedures.
 - (c)** The Chief or the City Auditor may recommend that City Council remove a citizen member from the pool for the following reasons:
 - (i)** Failure to attend training
 - (ii)** Failure to read case files
 - (iii)** Objective demonstration of disrespectful or unprofessional conduct

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- (iv) Repeated and excessive unavailability for service when requested.
 - (v) Breach of confidentiality
 - (vi) Objective demonstration of bias for or against the police
 - (vii) Objective demonstration of conflict of interest
 - (2) One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.
 - (3) The Assistant Branch Chief who is the supervisor of the involved officer.
 - (4) The Director of IPR (or designee).
 - (5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).
 - b.** Advisory members
 - (1) The Office of Accountability and Professional Standards manager.
 - (2) Representative from Bureau of Human Resources.
 - (3) Representative from City Attorney’s Office.
 - (4) The Internal Affairs Division Manager.
 - (5) Review Board Coordinator.
 - (6) Representative of Commissioner in Charge of the Bureau (“Commissioner in Charge”).
 - (7) Representative of the Training Division.
 - (8) The Assistant Chief(s) that are not the supervisor of the involved member.
 - c.** Representatives/Individuals that may also be present during the presentation of the case include:

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- (1)** Bargaining Units
- (2)** Involved Member

- 2.** However, when the incident to be reviewed by the board involves any use of force, including all officer involved shootings, all in-custody deaths, any physical injury caused by an officer that requires hospitalization, and any use of force case referred to the Board pursuant to Code Subsection 3.20.140 B.1.a. or Code Subsection 3.20.140 B.1.e., one additional citizen member drawn on a rotating basis from the pool of current Citizen Review Committee members, as those members are described in Code Section 3.21.080, and one additional peer member shall serve on the Board, for a total of seven voting members. A quorum of six voting members, including two citizen members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.
- 3.** Citizen Review Committee members serving on the Board shall be subject to the same qualification and removal standards as other citizen members of the Board.
- 4.** A Citizen Review Committee member who participates in a Board review of an incident cannot participate in a later appeal to the Committee of the same allegation(s).
- 5.** Removal from participation on the Board shall not affect Citizen Review Committee membership.

D. Access to information

- 1.** All members of the Board shall have access to necessary and relevant documents and an equal opportunity to participate in Board deliberations.
 - a.** The Bureau and IPR shall develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials.
- 2.** The RU manager or designee will provide a written recommendation of the findings, reasoning for the recommendation and disposition recommendation.

E. Board Facilitator

- 1.** The Board shall be facilitated by a person who is not employed by the Bureau and who is not a member of the Board.

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3. The Director of IPR, the Chief of Police, or Commissioner in Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

H. Action by Chief of Police and Commissioner in Charge. After receiving the Board's statement described above and after the appeal period allowed by Code Chapter 3.21 has expired, or if an appeal is filed, after the Chief receives the Citizen Review Committee or the Council's recommendation in accordance with Code Chapter 3.21:

1. In the following cases, the Chief shall make a recommendation regarding the appropriate findings and level of discipline to the Commissioner in Charge:
 - a. Investigations resulting in a sustained finding and the proposed discipline is suspension without pay or greater.
 - b. The following incidents involving use of force:
 - (1) All officer involved shootings.
 - (2) Physical injury caused by an officer that requires hospitalization.
 - (3) All in custody deaths.
 - (4) Any use of force where the recommended finding "out of policy".
2. In the cases described in Subsection 1 above, the Commissioner in Charge shall make the final decision on findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
3. In all other cases, unless the Commissioner in Charge exercises authority over the case, the Chief shall make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
4. In all cases where the Chief's and Police Commissioner's final discipline is outside of the range recommended by the discipline guide, the Chief and Police Commissioner shall provide an explanation in the final discipline letter of the reason or reasons for imposing discipline outside of the recommended range. The Chief and Police Commissioner shall not be required to disclose information that is confidential or otherwise protected

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against disclosure. The cumulative report of discipline imposed outside of the recommended range shall be included in the PPB semi-annual report.

- I.** Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports shall keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.
- 1.** The public reports shall include the following for each case brought before the Board:
 - a.** Allegation(s) heard by the Board.
 - b.** A factual summary of the case.
 - c.** Summary of the Board's discussion.
 - d.** Record of the Board's vote, including recommended findings and discipline.
 - e.** Training and policy recommendations, including whether the recommendations were accepted by the Chief.
 - f.** The final decision of the Chief or Commissioner in Charge.
 - 2.** The public reports shall include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.
 - 3.** The public reports shall include any stipulated agreements where a final decision has been reached.
- J.** Stipulated Findings and Discipline
- 1.** The following categories of cases are not eligible for stipulated findings and recommended discipline: cases involving alleged use of excessive force; those categories of cases listed under Subsection 3.20.140 B.1.c.; cases

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involving alleged discrimination, disparate treatment or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which the Chief or the Commissioner in Charge does not agree to accept the member's proposed stipulation to findings and recommended discipline. These categories of cases, if they otherwise meet the criteria for review by the Board, shall go through Board review and recommendations.

2. The following categories of investigations are eligible for stipulated findings and recommended discipline without review by the Board when the involved member elects, with the concurrence of the Chief and the Commissioner in Charge, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by the Independent Police Review, the Professional Standards Division and the member's Branch Chief:
 - a. First time offenses that fall under Category A through Category D of the Police Bureau Discipline Guide.
 - b. Second time offenses that fall under Category A of the Police Bureau Discipline Guide.
 - c. First time off-duty driving while under the influence offenses that fall under Category E of the Police Bureau Discipline Guide. To be eligible for stipulated discipline for an off-duty driving under the influence offense, there can be no other driving-related violations or charges and the member must comply with all court ordered conditions of a diversion or delayed prosecution.
 - d. In an investigation involving multiple sustained violations, the violation with the highest category from the Police Bureau Discipline Guide will be used to determine whether the case qualifies for stipulated discipline.

3.20.150 Fingerprints, Photographs and Records of Identification.

The Chief of Police shall maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. He shall take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or violation of a penal ordinance or Charter provision, he may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description shall be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision shall have been obtained.

3.20.160 Police Chief to Make Rules and Regulations.

The Chief of Police shall have authority, subject to the approval of the Commissioner In Charge, to issue such administrative rules and regulations in addition to those embodied in the Charter and this Code, as are necessary to govern the conduct of the members of the Bureau of Police, and to provide for the adequate functioning of the Bureau.

3.20.170 Uniforms.

The following rules shall apply to uniforms for employees appointed to the Bureau of Police who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of Police shall, subject to the approval of the Commissioner In Charge, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;
- B. Upon report from the Commissioner In Charge of the Bureau of Police, the Council shall designate which items of the uniform specified by the Chief of Police under subdivision (1) above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City shall remain property of the City; and the Chief of Police shall establish rules, regulations, and conditions for issuance and control thereof;
- C. The Chief of Police shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

3.20.180 Appointment and Removal of Police Reserves.

(Amended by Ordinance No. 143623, effective June 13, 1977.) The Chief of Police is authorized, subject to the approval of the Commissioner In Charge, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with his judgment concerning the public welfare and safety subject to the approval of the Commissioner In Charge; provided that the total number of such reserves at any time shall not exceed 200.

- A. Within the ranks of the police reserve the Chief of Police shall designate which members of the reserve shall serve as a special duty reserve unit. Members of the special duty reserve unit shall assist the Bureau in performing Sunshine Division, charitable, search and rescue and other non-law enforcement related functions.

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3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
(Amended by Ordinance Nos. 143623, 164223 and 189635, effective August 31, 2019.)

- A.** Each new sworn member of the police reserve shall complete an application provided by the Chief of Police, giving such data concerning their age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification.
- B.** Sworn members of such police reserve shall not be compensated unless specifically authorized and provided by the Council.
- C.** Upon appointment each sworn member of the police reserve shall take an oath of office, and such oath shall be filed with the City Auditor.
- D.** Sworn members of the police reserve shall serve at the pleasure of the Chief of Police and shall wear a uniform prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of deportment and conduct applicable to paid police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers as designated by the Bureau of Police. They shall, at all times, cooperate with paid police officers in the performance of their duties. While on any authorized assignment, they shall be covered by the City's self-insurance, as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated to retain possession of or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Sworn members of the police reserve shall be subject to police duty only when authorized by the Chief of Police or designee.

3.20.200 Membership Card and Star of Police Reserves.

The Chief of Police is authorized to furnish each member of the police reserve with a membership card signed by the Chief of Police and signed by the member for identification purposes, and shall also furnish each member with a police star.

3.20.210 Police Reserves Exempt from Civil Service.

No member of the police reserve shall be regarded as a City employee or subject to civil service regulations.

3.20.230 Medical Examinations.

(Amended by Ordinance No. 134934, effective July 20, 1972.) Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief shall require that member, upon written

notice, to submit to a medical examination. The examination shall be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, shall be cause for the member's dismissal.

3.20.240 Membership.

(Amended by Ordinance Nos. 136679 and 189635, effective August 31, 2019.) The Bureau of Police shall consist of a Chief of Police, full time paid members, and members of the police reserve.

3.20.250 Badges.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.260 Block Home Applicants, Background Investigation Required.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.270 Maintenance of Property Room.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.280 Receipts for Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.290 Records.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.300 Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.310 Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.320 Miscellaneous Property and Storage Charges.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.330 Storage Charge on Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.340 Storage Charge on Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.350 Lien and Foreclosure.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.360 Fees for Report on Police Records.

(Amended by Ordinance No. 153909, effective November 22, 1982.) The Bureau of Police shall establish a schedule of fees and procedures for obtaining copies of reports, searching arrest records, accident photographs, fingerprinting, and all similar records services it

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performs. Except upon court subpoena, reasonable limitations may be placed upon the amount of information made available, the use for which it may be requested, and the persons entitled to receive it. The schedule of fees and procedures established under this Section shall not be effective until approved by the Commissioner In Charge of the Bureau of Police. No fee shall be charged to those agencies (or their representatives) who request such services for official use and who have as a primary organizational responsibility the apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

3.20.370 Accountability and Disposition of Fees.

(Amended Ordinance No. 153909, effective November 22, 1982.) The Chief of the Bureau of Police shall ensure that a full and complete record of all fees collected under that authority of this Chapter is kept and that all fees so collected are remitted to the City Treasurer as provided by Section 3.08.140. The City Treasurer shall credit the amounts so received to the General Fund.

3.20.380 Conveyances Seized for Drug Transport.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.390 Multnomah County Deputy Sheriffs Authorized the Arrest or Cite for Violations of City Code Provisions.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**CHAPTER 3.21 - CITY AUDITOR'S
INDEPENDENT POLICE REVIEW**

(Chapter replaced by Ordinance No. 175652;
amended by Ordinance No. 188331, effective May
19, 2017.)

Sections:

- 3.21.010 Purpose.
- 3.21.020 Definitions.
- 3.21.030 Independent Police Review.
- 3.21.040 Director Selection.
- 3.21.050 Staff and Delegation.
- 3.21.060 Office Facilities and Administration.
- 3.21.070 Powers and Duties of IPR.
- 3.21.080 Citizen Review Committee.
- 3.21.090 Powers and Duties of the Committee.
- 3.21.100 Council Role.
- 3.21.110 Intake.
- 3.21.120 Handling Complaints.
- 3.21.130 Communications.
- 3.21.140 Filing Requests for Review.
- 3.21.150 Case File Review.
- 3.21.160 Hearing Appeals.
- 3.21.170 Monitoring and Reporting.
- 3.21.180 Increasing Public Access.
- 3.21.190 Response of Chief.
- 3.21.200 Limitation on Power.
- 3.21.210 Subpoenas.
- 3.21.220 Bureau Witnesses.

3.21.010 Purpose.

(Amended by Ordinance No. 188331, effective May 19, 2017.) The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review.

3.21.020 Definitions.

(Amended by Ordinance Nos. 176317, 183657, 186416 and 188331 effective May 19, 2017.) In this Chapter:

- A. “Appellant” means either:

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1. A person who has filed a complaint with IPR and subsequently requested review of the investigation or
 2. A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.
- B.** “Bureau” means the Bureau of Police of the City of Portland, Oregon.
- C.** “Chief” means the Chief of the Bureau.
- D.** "Citizen" or “community member” means any person who is not an employee of the Bureau.
- E.** “Commissioner In Charge” means the Commissioner In Charge of the Bureau.
- F.** “Committee” means the Citizen Review Committee, which is appointed by City Council members to assist IPR in the performance of its duties and responsibilities pursuant to this Chapter.
- G.** “Complaint” means a complaint by a citizen, the Director, a member or other employee of the Bureau of alleged member misconduct.
- H.** "Complainant" means any person who files a complaint against a member of the Portland Bureau.
- I.** "Director" means the director of the Independent Police Review or the Director’s designee.
- J.** "Finding" means a conclusion reached after investigation as to whether facts show a violation of Bureau policy.
- K.** "Early Warning System" means the Bureau's method of identifying officers exhibiting a pattern of behavior that signals potential problems for both the Bureau and public, as explained in General Order 345.00.
- L.** “IAD” means the Internal Affairs Division of the Bureau, whose responsibilities and procedures are described in Section 330.00 of the Manual of Rules and Procedures of the Bureau, as amended from time to time.
- M.** "IPR Investigator" means an investigator of the Independent Police Review.
- N.** "IPR" means the Independent Police Review.
- O.** "Member" means a sworn employee of the Bureau or a supervisor of sworn employees. An “involved” member is a member about whom a complaint has been submitted to IPR or the Bureau.

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- P.** “Misconduct” means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.
- Q.** “Request for Review” means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.
- R.** “RU (Responsibility Unit) Manager” means a commanding officer or manager of a Bureau division, unit or precinct.
- S.** “Supported by the Evidence.” A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.
- T.** “Police Review Board” means the board established by Code Section 3.20.140.
- U.** "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.
- V.** “Supervisory Investigation” means a formal, non-disciplinary process where the involved member’s supervisor is tasked with reviewing a complaint stating a member provided poor quality of service or committed a rule violation that if sustained would not result in corrective action greater than command counseling, as defined by the Bureau’s discipline guide.

3.21.030 Independent Police Review.

(Amended by Ordinance No. 188331, effective May 19, 2017.) There is established by the City Council the Independent Police Review, a division within the Auditor's Office.

3.21.040 Director Selection.

(Amended by Ordinance Nos. 186416 and 188842, effective March 30, 2018.) The City Auditor shall select the Director of IPR in accordance with the Auditor’s human resource policies and rules and any other applicable laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

3.21.050 Staff and Delegation.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Director may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the IPR.
- B.** The Director may delegate to a designee any or all duties or responsibilities.

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3.21.060 Office Facilities and Administration.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A. The City shall provide suitable office facilities for the Director and staff in a location convenient for the public but separate from the Bureau.
- B. The IPR office shall be located within the City Auditor's office, and be accountable to the City Auditor. The Director shall comply with the Auditor's purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

(Amended by Ordinance Nos. 176317, 183657, 185076, 186416, 188331, 188547 and 188842, effective March 30, 2018.) The Director's powers and duties are the following:

- A. Intake. IPR shall receive complaints and select the appropriate manner to address the complaint.
- B. Report on complaint activities. IPR shall track and report on the disposition of complaints to the public, IAD, the Chief, and the Council and monitor and report measures of activity and performance of IAD and IPR. IPR will also monitor and track trends relating to member history and complaint type as well as frequency, consistency and adequacy of discipline imposed. In performing these duties, IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- C. Access to Police data and data sources. IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- D. Initiate, monitor and conduct investigations. IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau.
 - 1. For investigations conducted by IPR, investigation reports will include recommended findings.

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2. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation.
- E. Compel review. In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any RU Manager's or Commanding Officer's proposed findings and discipline resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.
- F. Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.
- G. Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.
- H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.
- I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.
- J. Access to information. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws. The Director shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure.
- K. Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.
- L. Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The

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Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

- M.** Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.
- N.** Conduct investigative interviews of Bureau employees.
- O.** All Bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint.
- P.** The Auditor may retain or employ independent legal counsel.

3.21.080 Citizen Review Committee.

(Amended by Ordinance Nos. 177688, 185076, 186416, 188331 and 189078, effective July 18, 2018.)

- A.** The Committee shall consist of eleven citizens. Five members shall constitute a quorum of the Committee. Decisions shall be made by a majority of Committee members present and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members shall be appointed as follows:
 - 1.** The Director shall solicit applications from the Office of Community & Civic Life, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
 - 2.** The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the selection committee members, including one CRC representative and the Director, shall serve as the interview panel.
 - 3.** Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and commissioners may each submit an applicant meeting these qualifications.
 - 4.** The Auditor shall recommend nominees to Council for appointment.

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5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.
6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices, including Police Review Board process, participate in ride-alongs with officers, to maintain sufficient knowledge of police patrol procedures.
2. Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.
6. Sign a confidentiality agreement.
7. Serve on the Police Review Board when the Board reviews use of force cases as defined in Chapter 3.20. Committee members shall serve on the Police Review Board on a rotating basis for no more than two terms of three years.

3.21.090 Powers and Duties of the Committee.

(Amended by Ordinance Nos. 177688 and 185076, effective December 14, 2011.)

A. The Committee's duties and powers are the following:

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.

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2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

3.21.100 Council Role.

- A. Council shall review applications of nominees to the Committee and vote whether to approve each appointment.
- B. Council shall hear final appeals as specified in 3.21.160.

3.21.110 Intake.

(Amended by Ordinance Nos. 179162, 186416, 188331 and 188842, effective March 30, 2018.)

- A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office. All allegations of use of excessive force shall be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.
 1. A community member may file a complaint or commendation regarding alleged member misconduct with IPR, Internal Affairs, a Police Bureau Precinct, the Police Commissioner, or with any Bureau member.

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- a. All complaints regardless of intake point will be forwarded to IPR or Internal Affairs and entered into the Administrative Investigation Management database.
 - b. All Bureau facilities will have complaint and commendation forms available in areas accessible to the public.
 - c. All Bureau issued business cards intended to be given to community members during calls for service will have IPR's phone number and email address printed on them.
2. All complaints of alleged member misconduct will be investigated as either:
 - a. Formal administrative investigations conducted by either Internal Affairs or IPR.
 - b. Supervisory investigations conducted by a supervisor assigned to the same responsibility unit as the involved member.
 - (1) Supervisory investigations will only be used for non-disciplinary complaints, such as those related to quality of service or minor rule violations.
 - (2) All supervisory investigations will include a recommended disposition.
 - (3) All completed supervisory investigations must be reviewed by Internal Affairs and IPR.
 - (4) Completed supervisory investigations will not be subject to appeal.
3. The Director will be notified in a timely manner by either the Assistant Chief of Investigations, Captain of IAD, or a member of the Police Commissioner's staff upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation.
4. IPR may request that the Bureau open an administrative deadly force investigation into any incident where IPR believes the physical force used by a member was such that it was readily capable of causing death or serious physical injury.
5. When members of the public make complaints that do not allege member misconduct but do raise issues of a broader systemic nature, IPR may conduct reviews of Bureau policies and practices.

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- B.** The Director shall develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director shall not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.
- C.** The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.
- D.** No member of the community or the Police Bureau shall face retaliation, intimidation, coercion, or any adverse action for reporting misconduct or cooperating with a misconduct investigation.

3.21.120 Handling Complaints.

(Amended by Ordinance Nos. 179162, 183657, 186416, 188331 and 188547, effective September 8, 2017.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

- A.** Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.
- B.** Complaint Types:
 - 1.** Complaint Type I: IPR is the intake point for complaints from community members and others regarding the conduct of members during an encounter involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.
 - 2.** Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, or may be based on information obtained from another law enforcement agency, an employee of governmental agency

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acting in an official capacity or a community member. These complaints may be filed with the Bureau or with IPR.

3. **Complaint Type III:** A complaint may be initiated by the Director at the discretion of the Director that an administrative investigation is warranted. IPR can initiate a complaint whether or not the alleged misconduct occurred during an encounter involving a community member and is not dependent on a community or Bureau member filing a complaint.
 - a. IPR will initiate and conduct administrative investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.
 - b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.
4. **Complaint Type IV:** When Bureau supervisors generate complaints about poor member performance or other work rule violations. RU managers are responsible for intake and investigation of allegations of Type IV cases.
5. For all complaint types, the Bureau shall notify IPR prior to the termination of any administrative investigation that has not been assigned for recommended findings.

C. Initial Handling and Investigation of Type I Complaints

1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:
 - a. Gather information about the complaint through an intake interview;
 - b. Assign an IPR/IAD Case Number;
 - c. Make a case handling decision; and
 - d. Send a letter to the complainant summarizing the complaint and the Director's case handling decision.
2. If IPR determines an investigation is appropriate, IPR will identify the complainant's allegations and either:

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a. Recommend that the Bureau/IAD conduct an investigation

IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going Bureau investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD the Director shall notify the Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

b. IPR may conduct an independent investigation.

The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an

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investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

The Director shall provide the Captain of IAD and the Police Chief with a report on the investigation, including recommended findings, and present the IPR investigation, with recommended findings to the RU manager for preparation of RU Manager's proposed findings and discipline. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

3. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.
4. Administrative Closure. After an initial investigation, IPR may decline to take further action on a complaint. If there is an administrative closure, IPR will provided notification to the complainant. IPR will also notify the involved officer(s) and their commanding officer within 30 calendar days of the administrative closure. The Director may administratively close a complaint for the following reasons:
 - a. Another remedy exists that would resolve the complainant's issue.
 - b. The complainant delayed too long in filing the complaint to justify present examination;
 - c. Even if all aspects of the complaint were true, no act of misconduct would have occurred;
 - d. The complaint is trivial, frivolous or not made in good faith;
 - e. Where there is clear and convincing evidence that the involved member did not engage in misconduct.
 - f. The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint.
 - g. IPR was unable to identify the involved member.
 - h. Lack of jurisdiction.

D. Initial Handling and Investigation of Type II Complaints

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1. If a Type II complaint is filed with IPR, IPR will gather information about the complaint and make a case handling decision. When appropriate, IPR will assign an IPR/IAD case number. Before disposing of a complaint of alleged misconduct or initiating an investigation, IPR shall notify the Bureau in writing how it intends to process the complaint and whether it intends to refer the case to the Bureau/IAD to conduct an investigation or conduct an independent investigation as set forth below. IPR will make an entry regarding the allegations in the Administrative Investigation Management (AIM) or other appropriate database which can be reviewed by the Director.
2. If a Type II complaint is filed within the Bureau, Bureau/IAD staff will create an intake worksheet and assign an IPR/IAD case number for use by IAD. Before disposing of a complaint of alleged misconduct or initiating an investigation, the Bureau/IAD shall notify the Director in writing how it intends to process each complaint and whether it intends to conduct an internal investigation. In addition, the Bureau/IAD will make an entry regarding the allegations in the Administrative Investigation Management (AIM) database or other appropriate database which can be reviewed by the Director.
3. Bureau/IAD Investigation. If the Type II complaint is filed with IPR, IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director shall notify the Bureau/Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel shall have an opportunity to review and comment on draft reports and recommended findings regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To

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maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member. The IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Bureau/Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

The Director shall provide the Captain of IAD and the Police Chief with a report on the investigation, including recommended findings and present the IPR investigation with recommended findings to the RU manager for preparation of RU Manager's proposed finding and discipline. At the completion of the investigation the records of the investigation shall be transferred to the IAD offices for retention.

5. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

E. Initial Handling and Investigation of Type III Complaints

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

F. Initial Handling and Investigation of Type IV Complaints

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The Director may

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refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

G. Type I, II, III & IV Post-Investigative Case Handling Procedures:

1. Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation, including RU Manager's proposed finding and discipline, is complete, IAD will provide the Director with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director determines that the investigation is not adequate, the investigation shall be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction shall include, but not limited to, rewriting portions of the summary, gathering additional evidence, conducting additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD shall send the investigation to the appropriate RU Manager.
2. Submission of recommended findings to RU Manager. The RU manager will review the investigation and recommended finding for any type of complaint when the investigation is conducted by IAD, other designated PPB division or IPR and submit the RU Manager's proposed finding and discipline to the Captain of IAD. The Captain of IAD will circulate the RU Manager's proposed finding to the Director and the Supervising Assistant Chief. After receipt of the RU Manager's proposed finding and discipline, the supervising Assistant Chief, the Director or the Captain of IAD may controvert the RU Manager's proposed finding and/or discipline. All controverts shall be documented in a memo that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.
 - a. If the RU Manager determines that an investigation by IAD or IPR is not adequate, the RU Manager may return the investigation to the investigating entity for further investigation explaining the determination and providing direction for further investigation. Such direction shall include, but not be limited to, investigating additional allegations of misconduct, gathering additional evidence, conducting additional interviews, re-interviewing officers or

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civilians, or requesting factual errors within the investigative report be corrected.

- b.** If the RU Manager disagrees with the recommended finding by IA or IPR the RU Manager will document their disagreement, based on the evidentiary record, with the investigative entity in the RU's proposed finding and discipline
- 3.** Police Review Board meeting. If the RU Manager's proposed findings and/or proposed discipline are controverted, the Bureau shall schedule a Police Review Board meeting on the complaint. As specified in Code Section 3.20.140, the Police Review Board shall also hold a meeting for review of a case if it involves an officer-involved shooting, physical injury caused by an officer that requires hospitalization, an in-custody death, a less lethal incident where the recommended finding is "out of policy" or if the investigation resulted in a proposed sustained finding and the proposed discipline is suspension without pay or greater.
- 4.** Notification and Appeals of Type I and III complaints without Police Review Board meeting. In Type I cases, and Type III cases where the alleged misconduct occurred during an encounter involving a community member, if the RU Manager's proposed findings and discipline are not sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. Both the complainant and involved member will be notified of the investigative entity's recommended finding. IPR will notify the complainant that they have a right to request a review of the Bureau's proposed findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the disposition of the complaint. The Bureau will notify the involved member of the right to request a review of the proposed findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.
- 5.** Notification and Appeals of Type I and III complaints after Police Review Board hearing. In Type I cases and Type III cases where the alleged misconduct occurred during an encounter with a community member and the RU Manager's proposed findings and discipline are sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. Both the complainant and involved member will be notified of the investigative entity's recommended finding. IPR will notify the complainant that they

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have a right to request a review of the proposed findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the proposed findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.
7. Nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this Section.
8. The Police Commissioner and the City Auditor shall be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

3.21.130 Communications.

The IPR shall ensure that the complainant and member complained about are informed of the progress and status of the complaint or appeal. Communication may be accomplished orally or by first class mail.

3.21.140 Filing of requests for review.

(Amended by Ordinance Nos. 183657 and 187136, effective June 19, 2015.)

- A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.
- B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:
 1. Appellant has limited English language proficiency.
 2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.

- C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
- D. The request for review shall include:
 - 1. The name, address, and telephone number of the appellant;
 - 2. The approximate date the complaint was filed (if known);
 - 3. The substance of the complaint;
 - 4. The reason or reasons the appellant is dissatisfied with the investigation.
- E. The complainant or member may withdraw the request for review at any time.

3.21.150 Case File Review.

(Replaced by Ordinance No. 187136; Amended by Ordinance No. 188331, effective May 19, 2017.)

- A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date.
- B. The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. Public comment will be allowed before the Committee has made a decision whether a case is ready for an Appeal Hearing. In the event that the Committee conducts a Case File Review and Appeal Hearing on the same day, public comment will be allowed before the Committee has made its recommendation to the Bureau.
- C. During either the Case File Review or Appeal Hearing, the Committee may direct, by majority vote, additional investigation by either IAD and/or IPR.
 - 1. Only Committee members who have read the case file are eligible to vote.
 - 2. The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IAD or IPR.
 - 3. The request for additional investigation may include multiple areas of inquiry.
 - 4. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.

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- D.** If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee shall vote on when to hold an Appeal Hearing.

3.21.160 Hearing Appeals.

(Amended by Ordinance Nos. 185076, 188331 and 188547, effective September 8, 2017.)

- A.** An Appeal Hearing shall be conducted after a majority vote of the Committee to hold such a hearing at the case file review or other meeting of the full Committee. Public comment will be allowed before the Committee has made its recommendation to the Bureau.

- 1.** At the Appeal Hearing the Committee shall decide by majority vote:

- a.** To recommend further investigation by IAD or IPR; or
- b.** If the finding is supported by the evidence. In a case where the majority of the voting members of the Committee affirms that the Bureau's proposed findings are supported by the evidence, the Director shall close the complaint; or
- c.** If the finding is not supported by the evidence. In a case where a majority of the voting members of the Committee challenges one or more of the Bureau's proposed findings by determining that one or more of the findings is not supported by the evidence, and recommends a different finding, the Director shall formally advise the Bureau in writing of the Committee recommendation.
 - (1)** If the Bureau accepts the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall close the case.
 - (2)** If the Bureau does not accept the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall schedule the case for a conference hearing.
 - (a)** At the conference hearing, if the Committee, by a majority vote, is able to reach an agreement with the Bureau on the proposed findings, the Director shall close the case.
 - (b)** If, by majority vote, the Committee can not reach an agreement with the Bureau on the proposed findings, the Committee shall vote whether to present the appeal to City Council.

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- (c) If, by majority vote, the Committee decides to present the appeal to City Council, the Director and the Committee Chair will schedule an appeal hearing before City Council. The Committee shall appoint one of its members to present its recommended findings during the appeal to City Council.

2. In its hearing the Council shall decide:

- a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or
- b. If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.

B. In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel. When the Committee's review process develops new information, the Committee may consider the new information when determining if additional investigation is warranted, but the Committee may not incorporate the new information in the evidentiary record the Committee considers when determining if a finding is supported by the evidence.

C. In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, any documents accumulated during the investigation, the recording of the Committee's case file review and appeal hearing, the Committee's Case File review Worksheet, and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.

D. Witnesses.

- 1. The Committee and Council may require within its scope of review the investigators and Captain of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible

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Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.

2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 D.3. shall not be delegated by the Council to the Committee.

3.21.170 Monitoring and Reporting.

(Amended by Ordinance No. 181483, effective January 18, 2008.)

- A. The Director shall develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.
- B. The Director shall use complaint and OMF Risk Management Division data to support the Bureau's Early Warning System.
- C. The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.
- D. The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.180 Increasing Public Access.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A. The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.
- B. The Director shall work with the Committee to develop programs to educate the public about IPR and the importance of reporting problems.
- C. The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau

personnel shall be informed that IPR is the primary means for citizens to file complaints.

- D.** IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

3.21.190 Response of Chief.

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Chief, after reviewing a report provided by IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau.
- B.** If the Chief fails to respond within 60 days after receipt of the Committee Report, the Auditor shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

3.21.200 Limitation on Power.

The Committee and Director are not authorized to set the level of discipline for any member pursuant to any request for review made under this Chapter. However, this Section shall not be construed to limit the authority granted to City Council by the City Charter, City Code, state statutes, and other applicable law.

3.21.210 Subpoenas.

(Added by Ordinance No. 183657; Amended by Ordinance No. 186416, effective February 7, 2014.) IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review.

IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220.

Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.

3.21.220 Bureau Witnesses.

(Added by Ordinance No. 186416, effective February 7, 2014.)

- A.** A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative

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investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.

- B.** All IPR interviews of Bureau employees shall be conducted in conformance with legal requirements and collective bargaining provisions.
- C.** Prior to being interviewed, a Bureau employee will be:
 - 1.** Notified of the time, date, and location of the interview.
 - 2.** Informed of the right to bring a union representative to the interview.
 - 3.** Read a statement, issued under the authority of the Police Chief or Police Commissioner, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge
 - 4.** Provided with any other information or protections required by any applicable collective bargaining agreement.
- D.** A representative of the Police Bureau shall attend IPR interviews of Bureau employees for the purpose of reading the statement referenced in Subsection C. and to provide any assistance required by IPR.

**CHAPTER 3.22 - PORTLAND FIRE &
RESCUE**

(Chapter amended by Ordinance No. 180917,
effective May 26, 2007.)

Sections:

- 3.22.010 General Organization.
- 3.22.020 Organized by Council - Subject to Civil Service.
- 3.22.030 Council Powers.
- 3.22.040 Care of Property by Council.
- 3.22.050 Duties of Chief Engineer.
- 3.22.060 Destroying Buildings to Check Fire.
- 3.22.070 Appointment of Temporary Employees.
- 3.22.080 Assignment of Disabled Members.
- 3.22.090 Rules and Regulations and Administrative Orders.
- 3.22.100 Uniforms.
- 3.22.110 Fire Suppression and/or Prevention Contracts.
- 3.22.120 Renewal Notices.
- 3.22.130 Contract Form to be Approved by City Attorney.
- 3.22.140 Mutual Assistance Agreements.
- 3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.
- 3.22.160 Fees for Pumping Water from Imperiled Vessels.
- 3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.
- 3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

3.22.010 General Organization.

(Amended by Ordinance Nos. 136677, 149110, 150993, 158149, 160883 and 182105, effective September 12, 2008.) Portland Fire & Rescue shall consist of the Chief Engineer (generally referred to as the Chief of the Bureau) and such other employees as the Council may provide. The mission of Portland Fire & Rescue shall be to safely protect life, property, and the environment by providing excellence in emergency services, training and prevention. Portland Fire & Rescue shall be comprised of the following divisions:

- A. The Emergency Operations Division, which shall be responsible for the saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training and other miscellaneous public services;
- B. The Fire Prevention Division, which shall be responsible for fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;

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- C. The Management Services Division, which shall be responsible for budget and finance, long range capital planning and program development, special projects, manual and automated management information systems, planning and administrative support services, and supplying logistical support which shall include facility and vehicle maintenance, operational supplies and services;
- D. The Training and Safety Division, which shall be responsible for initial training of all newly hired firefighters, on-going training to maintain and improve the skills of all personnel, safety and risk management programs, accident and injury investigation and analysis, researching and developing new technologies and practices, and promoting training and educational opportunities for career development of all Bureau personnel.

3.22.020 Organized by Council - Subject to Civil Service.

(Amended by Ordinance No. 160883, effective June 9, 1988.) Portland Fire & Rescue of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the Civil Service rules of the Charter, and thereafter, subject to the restrictions contained in the Charter. All the powers of the City connected with and incident to the appointment, discipline, and government of its Portland Fire & Rescue shall be vested in the Commissioner In Charge of Portland Fire & Rescue .

3.22.030 Council Powers.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the power and it is hereby made its duty to organize, govern, and conduct a Portland Fire & Rescue for effective service within the City, and to that end may authorize the appointment of a Chief Engineer (Fire Chief) and as many other officers and employees as in its opinion are necessary. It shall have the power to make, or power to delegate authority to the Commissioner In Charge of Portland Fire & Rescue to make, all necessary or convenient rules and regulations for the organization and conduct of the Bureau, for receiving and hearing complaints against any members, and for the removal or suspension of any member of the Bureau. The Civil Service rules prescribed in the Charter shall apply to every officer and member of the Bureau and shall govern the actions of the Council in its organization and government of the Bureau.

3.22.040 Care of Property by Council.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to Portland Fire & Rescue. It shall have power and authority, subject to the limitations and appropriations made and expenditures authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Portland Fire & Rescue may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the Council unfit for service in the Bureau. The proceeds of any such sale shall be paid by

the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such monies shall be credited to the General Fund of the City.

3.22.050 Duties of Chief Engineer.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Chief Engineer (Fire Chief) shall diligently observe the condition of the apparatus and property and workings of the Bureau and make an annual report in writing to the Commissioner In Charge of Portland Fire & Rescue. The Chief Engineer (Fire Chief) shall also make recommendations from time to time with regard to the needs of the Bureau as he may deem proper.

3.22.060 Destroying Buildings to Check Fire.

The Chief Engineer, or, in his absence, any Assistant Chief Engineer, may during a conflagration, cause to be cut down, or otherwise removed, any buildings or structures for the purpose of checking the progress of such conflagration.

3.22.070 Appointment of Temporary Employees.

The Council, in case of any general conflagration or great emergency, may appoint such temporary employees as it may deem necessary and to whom Civil Service rules shall not apply.

3.22.080 Assignments of Disabled Members.

Members and officers of a higher grade who have done faithful service and have been disabled so as to unfit them for serving in the position occupied when so disabled may be assigned to other duties suitable to their physical abilities and shall always have preference in such assignments.

3.22.090 Rules and Regulations and Administrative Orders.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The rules and regulations of Portland Fire & Rescue shall be promulgated by the Chief Engineer, subject to approval by the Commissioner In Charge of the Bureau, and the Chief Engineer shall have authority to issue general and special orders which shall be administrative in nature and shall be in addition to or supplemental to the rules and regulations as promulgated by the Chief Engineer and approved by the Commissioner In Charge. The rules and regulations and the general or special orders shall govern the conduct of the members of Portland Fire & Rescue and shall be designed for the efficient and effective functioning of the Bureau.

3.22.100 Uniforms.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The following rules shall apply to uniforms for employees appointed to Portland Fire & Rescue who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of the Bureau shall, subject to the approval of the Commissioner In Charge, prescribe specifications for fire uniforms and establish rules, regulations and conditions of wearing thereof.

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- B.** Upon report of the Commissioner In Charge of Portland Fire & Rescue, the Council shall designate which items of the uniform specified by the Chief of the Bureau under subdivision A above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual fire duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Fire Chief. Items furnished by the City shall remain property of the City. The Fire Chief shall establish the rules, regulations and conditions for issuance and control thereof;
- C.** The Chief of the Bureau shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of the items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

3.22.110 Fire Prevention and Suppression Contracts.

(Amended by Ordinance Nos. 132356, 160840, and 160883, effective June 9, 1988.) The Commissioner In Charge of Portland Fire & Rescue and the City Auditor hereby are authorized to enter into contracts under the provisions of the State Rural Fire Protection District Act. Contracts authorized by this Section are subject to the following conditions:

- A.** The City shall provide both fire prevention and fire suppression services and will not provide fire suppression services only.
- B.** Payment for services by individuals and private organizations, having no tax levying authority under State law, shall be in advance, excepting those contracts in excess of \$25,000, which may be paid on a quarterly basis in advance. The Auditor shall execute such contracts only upon receipt of such payment;
- C.** Contracts with political subdivisions of the State shall be entered into only upon certification to the Auditor by the governing body of such political subdivision that there will be assessed upon the taxpayers of such political subdivision an amount not less than:

 - 1.** The contract price.
 - 2.** Unpaid balances, if any, owing the City on previous fire prevention and suppression contracts.
 - 3.** An estimated amount sufficient to compensate for the delinquencies, based upon previous experience.

The Auditor shall execute such contracts only upon receipt of such certification, unless specially authorized by ordinance. Payment upon such contracts shall be

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due in equal semi-annual installments on or before January 1 and June 1 of the year in which the contract is in effect;

D. As used in this Section:

1. **“Effective year”** means the fiscal year in which the contract is operative,
2. **“Previous year”** means the fiscal year first preceding the effective year.
3. **“Property owner’s assessed value”** means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the City Auditor shall decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner’s assessed valuation, be outside Multnomah County, the assessed value shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
4. **“Assessed value of City property”** means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
5. **“Cost to City taxpayers”** means the sum, to the nearest dollar, of:
 - a. Portland Fire & Rescue General Fund budget of the previous year,
 - b. A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firemen to the number of policemen employed on January 1 of the previous year, and;
 - c. Ten percent of the total of a. and b. to allow for payroll taxes and other expenditures outside the Portland Fire & Rescue General Fund budget;

E. The charge for City fire suppression and fire prevention services by contract authorized under this Section shall be computed by the following formula:

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(Cost To City Taxpayers)
Multiplied by
(Property Owner's Assessed Value)
Divided by
(Assessed Value of City Property)

- F. Each application for a fire suppression and/or fire prevention contract under this Section, and for renewal of a previous contract under this Section, shall be forwarded to the Chief of Portland Fire & Rescue. The Chief shall attach thereto his report upon the accessibility, water supply, distance from the City fire equipment, and other conditions pertaining to the area to be protected. The Chief shall then submit the application to the Commissioner In Charge of Portland Fire & Rescue for approval or disapproval before a contract is entered into.

3.22.120 Renewal Notices.

(Amended by Ordinance No. 132356, effective April 1, 1971.) On or near February 15 of each year the Auditor shall mail to each individual, organization and political subdivision then under contract with the City for fire suppression and/or fire prevention, letter stating the dollar amount the City will charge for renewal of the contract in the next succeeding fiscal year. This amount will be computed by the formula in Section 3.22.110. The letter, if directed to a political subdivision contracting under Section 3.22.110 B, will also state the amount owed the City and then in arrears, if any, under preceding contracts or the contract then in effect. Such letter shall not operate as a waiver or estoppel of the right of the City to refuse renewal of any contract under Section 3.22.110 B because of delinquencies or other good cause.

3.22.130 Contract Form to be Approved by City Attorney.

All contracts executed in accordance with the provisions of this Chapter shall be approved as to form by the City Attorney.

3.22.140 Mutual Assistance Agreements.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Mayor and the Commissioner In Charge of Portland Fire & Rescue may enter in agreements with agencies of the federal government and with political subdivisions of a state in which each party agrees to provide mutual assistance, in the form of men and equipment, in combating large fires within the boundaries of the other party or parties to such agreements.

3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.

(Amended by Ordinance No. 160883, effective June 9, 1988.) Upon the approval of the Chief of Portland Fire & Rescue and of the Commissioner In Charge, the fire boats of Portland Fire & Rescue may be used for the purpose of pumping out water from boats and barges which ply the Willamette or Columbia rivers.

3.22.160 Fees for Pumping Water from Imperiled Vessels.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The fees for the emergency pumping services permitted by Section 3.22.150 shall be \$200 per hour. The owner, owner's agent, or master of the vessel requesting the nonfire emergency pumping service shall be advised that the pumping fee shall be \$200 per hour before a fire boat is dispatched to the emergency location. The fire boat officer, on arrival, shall obtain written agreement from the owner, owner's agent or master of the vessel in peril to pay the City \$200 per hour for salvage pumping before beginning operations. When the service of the fire boat is completed, the Chief of Portland Fire & Rescue shall certify to the Commissioner In Charge the exact time employed by the fire boat, and the Commissioner shall thereupon make a final charge for such service and require payment of such charge by the applicant. In the event salvage efforts fail, and if so recommended by the Chief Engineer (Fire Chief), the Commissioner In Charge of Portland Fire & Rescue may reduce or omit the pumping fee.

3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.

(Amended by Ordinance No. 160883, effective June 9, 1988.) All awards earned by members of Portland Fire & Rescue participating in Rose Festival activities shall go to the personnel and improvements of the fire engine quarters where such companies are housed.

3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

(Amended by Ordinance Nos. 160127, 160883, 168127 and 182389, effective January 2, 2009.)

A. General Provisions.

1. Title. This plan shall be known as the Forested and Wildland Interface Areas Protection Plan of the City.
2. Scope. This plan is primarily designed for the detection and suppression of forest and brush fires in forested, rural and urban areas of the City, and in all areas with which the City has contracted to furnish fire protection. Additionally, the fire suppression provisions of this plan may be activated when a fire outside the City becomes a threat to areas within.
3. Purpose. The purpose of this plan is to establish operational responsibilities of departments and bureaus of the Portland municipal government and supporting agencies within the scope of this plan.
4. Participation required. Participation is required of the Bureaus of Parks, Portland Fire & Rescue, Police, Waterworks, General Services and Maintenance Operations.
5. Participation voluntary. Voluntary participation by nongovernmental agencies, having emergency capabilities in areas of disaster relief, is

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authorized and encouraged; provided, however, that each voluntary agency shall submit an operational program to this plan as hereinafter provided.

B. Plan Coordination.

1. **Coordinator.** The Chief of Portland Fire & Rescue is known as the coordinator of this plan. He shall see that the operational programs of departments, bureaus and supporting agencies are submitted and made a part of this plan and kept current from year to year.
2. **Operational Programs.** The head of each participating bureau, office and/or agency shall submit an operation program to the Coordinator and keep him/her informed of changes at all times. Such operational programs shall be a part of this plan. They shall include the names and telephone numbers of key alerting personnel, a listing of other personnel by number and job classification, and a listing of all mobile and special equipment. Additionally, operational programs of Portland Fire & Rescue and the Bureau of Parks shall contain descriptive details of routine maintenance and regulatory responsibilities. The operational programs shall be respectively identified as follows:

PROGRAM I:	Bureau of Parks
PROGRAM II:	Portland Fire & Rescue
PROGRAM III:	Bureau of Police
PROGRAM IV:	Portland Water Bureau
PROGRAM V:	General Services
PROGRAM VIII:	Maintenance Operations
PROGRAM IX:	Reserved for Nongovernmental
PROGRAM X:	Reserved for Nongovernmental

C. Command Responsibility for Fire Fighting.

1. In all forested and rural areas lying within the City, and in all areas for which the City has a contract to furnish fire protection, overall command of fire fighting operations shall be the responsibility of the Chief of Portland Fire & Rescue.
2. Operating units will in all cases be under the direct control of their own commanders or foremen, superintendents, etc. However, such units will function in conformity with the tactical fire-fighting plan established by the sector commander to whom they are assigned.

D. Activation and Response.

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1. All participants and resources listed in the plan will be activated in accordance with the plan at the request of the Incident Commander.
 2. All participants in the plan will send liaison personnel to the field headquarters, support command headquarters, and the Emergency Operations Center as requested by the Incident Commander.
- E.** Personnel alerting.
1. The Bureau of Emergency Communications will initiate the alerting of participating services as outlined in the plan. The person contacted is then to complete the calls required by his/her bureau, office or agency.
 2. For the purpose of alerting as required in 1 above, the head of each participating service shall establish and maintain master-call lists or a key-alerting system.

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**CHAPTER 3.24 - PORTLAND WATER
BUREAU**

(Chapter replaced by Ordinance No. 182053,
effective August 15, 2008.)

Sections:

- 3.24.010 Organization.
- 3.24.020 Administration.
- 3.24.030 Customer Service Group.
- 3.24.040 Engineering Services Group.
- 3.24.050 Finance and Support Services Group.
- 3.24.060 Maintenance and Construction Group.
- 3.24.070 Operations Group.
- 3.24.080 Resources Protection and Planning Group.

3.24.010 Organization.

The Portland Water Bureau will be under the direction and control of the Administrator of the Portland Water Bureau. The Bureau will be charged with the responsibility for the finance, operation, maintenance and improvement of the City's water distribution system and will be made up of the work groups set forth in this Chapter. The Administrator shall coordinate and manage the Bureau's work groups in a manner that achieves the Bureau's mission and meets the goals established by the City Council.

3.24.020 Administration.

The Administrator's Office is responsible for policy planning, leadership, direction, and operation of the Bureau. The Administrator's Office also manages security for the distribution system, property management, organization development, Bureau human resources management, public information/involvement, long-range planning, government and community relations, legislative activities, and liaison with the Commissioner-in-Charge and City Council.

The Administrator of the Portland Water Bureau is authorized to enforce the provisions of Portland City Code Chapters 17.36 Sewer User Charges and 21.16 Rates and Charges addressing delinquent water, sewer and stormwater management charges, collections, adjustments and refunds.

The Administrator of the Portland Water Bureau may issue administrative rules and regulations pursuant to Section 21.24.080 Administrative Rules, Procedures and Forms.

3.24.030 Customer Service Group.

The Customer Service Group manages billing and collection services for the Portland Water Bureau including but not limited to, establishment of new accounts, close out of terminated accounts, meter reading, meter inspection services, leak repair notification, bill generation, payment application, remittance processing, approval of adjustments and refunds, delinquent account notification, collection of delinquent accounts by all legal means, termination of service for delinquency, resumption of water service and such other

duties as requested by the Administrator. The Group will also be responsible for responding to ratepayer inquiries, hearing appeals of the matters for which the Group is responsible and managing financial assistance programs.

When performing these responsibilities for the Bureau of Environmental Services, the Group's authority may be defined by written agreement and Administrative Rules.

3.24.040 Engineering Services Group.

The Engineering Services Group is responsible for planning, design, and construction of the Water System. In addition, this group serves as customer liaison for new service installation, drafting (including geographic information system), surveying, inspecting, and maintaining records on distribution system improvements. This group manages the Bureau's emergency management program. This group also has responsibility for developing facility standards, asset management, contract management, and developing and managing the Bureau's Capital Improvement Projects (CIP). Administrative oversight of the Hydroelectric Power function is conducted within this group.

3.24.050 Finance and Support Services Group.

The Finance and Support Services Group provides financial planning, rate setting, budgeting, accounting, payroll, auditing, financial analyses, and fiscal monitoring functions for the Bureau. It also provides clerical support for Bureau staff in the Portland Building. This includes the interfaces to City financial and personnel systems, and other Bureau-specific software systems.

3.24.060 Maintenance and Construction Group.

The Maintenance and Construction Group is responsible for repair, operation, and maintenance of the distribution system. Installation, operation, and maintenance functions related to mains, services, valves, hydrants, and leak detection are performed by this group. This work includes direct services and related support for control valves, carpentry, purchasing and stores operation, and loss control programs. This group manages the Bureau's two apprentice programs. The emergency crew provides response for outside normal work hour requirements, including main breaks and other emergency responses.

3.24.070 Operations Group.

The Operations Group is responsible for the operation and maintenance of water supply and treatment from the Watershed and the Columbia South Shore Well Field (CSSWF). This group operates and maintains the conduits, terminal storage reservoirs, tanks, pump stations, water treatment facilities, pressure regulators, an accredited Laboratory, and the Water Control Center. Work responsibilities include water quality protection, regulatory compliance, laboratory services, system metering, and addressing water quality customer complaints. This group is also responsible for the operation and maintenance of the decorative fountains.

3.24.080 Resources Protection and Planning Group.

The Resource Protection and Planning Group is responsible for Watershed and Columbia South Shore Well Field (CSSWF) management and coordination with federal, state and

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local partners to protect the quality of both of Portland's drinking water sources. This responsibility includes addressing legislative and regulatory issues and performing integrated resource planning, comprehensive planning on major issues, supply and demand analysis, and coordination of the Regional Water Providers Consortium. This Bureau work group is also responsible for the Bureau's business, residential and multifamily water conservation programs and Bureau sustainability efforts.

CHAPTER 3.26 - BUREAU OF PARKS

Sections:

- 3.26.010 Organization Generally.
- 3.26.020 Executive and Clerical Division.
- 3.26.030 Park Maintenance and Operation Division.
- 3.26.040 Nursery and Planting Division.
- 3.26.050 Public Recreation Division.
- 3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.

3.26.010 Organization Generally.

The Bureau of Parks shall consist of the Superintendent of Parks who shall be in charge, and such other employees as the Council may provide. The Bureau of Parks shall be made up of the divisions set forth in this Chapter.

3.26.020 Executive and Clerical Division.

The Executive and Clerical Division, supervised by a Principal Clerk or other competent person, shall maintain the necessary records with regard to payrolls, requisitions, and cost accounting for the Bureau of Parks, and in addition shall have control over the women's comfort stations maintained by the Bureau of Parks.

3.26.030 Park Maintenance and Operation Division.

The Park Maintenance and Operation Division, supervised by an Assistant Superintendent of Parks or other competent person, shall have charge of the care, upkeep, and repair of park property in the Zoo, parks, and playgrounds of the City including all swimming tanks. This Division shall also have control over the trucks owned by the Bureau of Parks.

3.26.040 Nursery and Planting Division.

(Amended by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.) The Nursery and Planting Division, supervised by a Director of Park Plantings or other competent person, shall have control over the gardening and nursery functions and properties of the Bureau of Parks, including the greenhouse, nursery, golf courses, and floral displays.

Removal of trees, permits for removal of trees, removal of limbs of trees and reports in regard to trees shall be subject to the rules and requirements of Title 11. The City Forester shall be responsible for the application and enforcement of provisions of the Tree Regulations in Title 11, as further specified within that Title.

3.26.050 Public Recreation Division.

The Public Recreation Division, supervised by a Director of Recreation, shall have charge of the public recreational program and property of the Bureau of Parks, including activities at community houses, summer playgrounds, swimming tanks and summer camps.

3.26.060 Municipal Stadium Division.

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

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3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.

The Superintendent of Parks, with the approval of the Commissioner In Charge, hereby is authorized to trade, sell or exchange surplus animals, birds or reptiles, with public or private zoos throughout the United States or Canada, provided that the value of such animal, bird or reptile so traded, sold, or exchanged does not exceed the sum of \$1,000. The Superintendent of Parks, in connection with such transaction, hereby is authorized to pay necessary handling charges incident to such trade, sale or exchange.

3.26.090 Solar Friendly Trees.

(Repealed by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.)

**CHAPTER 3.27 - PORTLAND PARKS AND
RECREATION BOARD**

(Chapter added by Ordinance No. 176002, effective
October 10, 2001.)

Sections:

- 3.27.010 Purpose.
- 3.27.020 Definitions.
- 3.27.030 Members and Terms.
- 3.27.040 Organization and Meetings.
- 3.27.050 Duties.
- 3.27.060 Staff Liaison and Support.

3.27.010 Purpose.

(Amended by Ordinance No. 190226, effective January 8, 2021.) The Portland Parks and Recreation (PP&R) Board is established for the following purposes: to ensure that the vision and recommendations of the Parks 2020 Vision, other PP&R strategic initiatives adopted by the City Council and the values of diversity, equity and inclusion are at the forefront of discussions about park and recreation issues and trends over time, in all areas of the city; to advocate for parks and recreation on a city and regional basis to ensure that parks, natural areas, open spaces and recreation facilities are advanced in city and regional planning and design; to provide continuity when transitions occur in the leadership of Portland Parks and Recreation and on the City Council; to provide a forum for public discussion and decision-making about park issues, bringing a city-wide and long-term perspective to neighborhood-based issues.

3.27.020 Definitions.

(Amended by Ordinance No. 190226, effective January 8, 2021.) As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. “Board” means the Portland Parks and Recreation Board.
- B. “Board Year” means July 1 through June 30.
- C. “Bureau” or “Portland Parks and Recreation” means the Bureau of Parks and Recreation of the City of Portland, or whatever agency is given responsibility for the City’s system of parks and recreation.
- D. “Commissioner” means the Commissioner in Charge of Portland Parks and Recreation.
- E. “Council” means the City Council of the City of Portland, Oregon.

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- F. “Director” means the Director of Portland Parks and Recreation, or the Bureau head, however designated.
- G. “Parks 2020 Vision” means the Parks 2020 Vision adopted on October 10, 2001 and any amendments, extensions or replacements adopted by the Council.

3.27.030 Members and Terms.

(Amended by Ordinance Nos. 184647 and 190226, effective January 8, 2021.)

- A. Voting Members. The Portland Parks Board shall consist of a minimum of 9 and a maximum of 15 voting members appointed by the Mayor in consultation with the Commissioner and confirmed by the Council. Members shall serve without compensation for terms of 3 years. No member shall be appointed to more than two full consecutive terms, not to exceed 6 years of total consecutive service; provided that a member appointed initially to a term of less than 3 years may thereafter be re-appointed to two consecutive 3-year terms and completion of an unexpired term shall not apply to the 6 year cumulative limitation. A member otherwise may be re-appointed after at least 3 years following completion of the member’s two consecutive terms. Members are expected to bring a system-wide perspective to the Board and to reflect the demographic and geographic diversity of the City.
- B. Ex Officio Members. The Board may, in its discretion, appoint up to four ex officio members as, in the judgment of the Board, will assist it in carrying out its functions. Such ex officio members shall be appointed in a manner to be determined by the Board. Ex officio members shall not have the right to vote. Ex officio members shall not be subject to the term limitations of Subsection A. of this Section, but the Board may, by rule or regulation, provide for terms and other conditions of service of ex officio members as it may deem necessary or desirable.

3.27.040 Organization and Meetings.

(Amended by Ordinance No. 190226, effective January 8, 2021.) The Board shall adopt such rules of procedure as it deems necessary to the conduct of its duties. Every 2 years the Board shall elect a Chair and such other officers as the Board may from time to time establish. The Board shall meet at least quarterly and may meet more often. The Board Chair, in consultation with the Commissioner and the Director, shall set the agenda for Board meetings.

3.27.050 Duties.

The Board shall:

- A. Advise the Council, the Commissioner and the Director on policy matters pertaining to Portland Parks and Recreation, using the Parks 2020 Vision as its guide.

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- B.** Advise the Council, the Commissioner and the Director on the preparation and contents of the annual Portland Parks and Recreation budget request.
- C.** Review plans and policies, either existing or being developed, by other City bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City of Portland, and advocate for the advancement of parks, natural areas, open spaces and recreation facilities and services in City and regional planning and design.
- D.** Engage in such public outreach, education and advocacy, to the extent permitted by law, as the Board determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.
- E.** Prepare and submit to the Council an annual report which shall summarize the Board's activities during the year and which shall identify the major issues facing Portland Parks and Recreation and the Board's recommendations for addressing them in the coming year.

3.27.060 Staff Liaison and Support.

The Director shall be the staff liaison to the Board, and shall, to the extent budgeted funds are available therefor, provide the Board with staff assistance necessary to the discharge of its duties.

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CHAPTER 3.28 - BUREAU OF HEALTH

Sections:

- 3.28.010 Transfer of Functions.
- 3.28.020 Executive and Clerical Division.
- 3.28.030 Communicable Disease Control Division.
- 3.28.040 Tuberculosis Control Division.
- 3.28.050 Venereal Disease Control Division.
- 3.28.060 Laboratory Division.
- 3.28.070 School Hygiene Division.
- 3.28.080 Emergency Hospital Division.
- 3.28.090 Pure Food Sanitation Division.
- 3.28.100 Division of Mental Health.
- 3.28.110 Division of Home Health Care.

3.28.010 Transfer of Functions.

During the term of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Health are being performed by the County, and the County Health Officer is acting as the City Health Officer, and all Bureau of Health Employees, are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by divisions of the City Health Bureau, as set forth in this Chapter.

3.28.020 Executive and Clerical Division.

The Executive and Clerical Division shall maintain the central office and all necessary records thereof, including all statistics relating to births and deaths as required by law.

3.28.030 Communicable Disease Control Division.

The Communicable Disease Control Division shall exercise the power of quarantine and detention and shall adopt such other measures as will prevent the spreading or aid in the prevention of communicable diseases such as typhoid fever, smallpox, tuberculosis, scarlet fever and others.

3.28.040 Tuberculosis Control Division.

The Tuberculosis Control Division shall provide clinical services for diagnosis and a visiting nurse service to make sure that the lessons of prevention are carried out by the patients under actual home conditions.

3.28.050 Venereal Disease Control Division.

The Venereal Disease Control Division shall provide clinical services for diagnosis, control, and prevention of venereal disease.

3.28.060 Laboratory Division.

The Laboratory Division shall conduct tests and examinations for bacteria content and such other laboratory services as the other divisions request.

3.28.070 School Hygiene Division.

The School Hygiene Division shall be responsible for the prevention of communicable diseases in the schools through promoting vaccination against smallpox and the use of toxoid against diphtheria, and through ascertaining that children sick with communicable diseases are excluded. This Division shall also conduct examinations of school children at regular intervals for the purpose of discovering defects which may be remedied and shall notify the parents regarding the need for attention to vision, infections, nutrition, and postural defects and diseases.

3.28.080 Emergency Hospital Division.

The Emergency Hospital Division is designed to take care of those who are injured or who are taken sick suddenly, and have no means of providing for themselves the medical and hospital care they need, or who are ineligible for care by Multnomah County because they are not residents.

3.28.090 Pure Food Sanitation Division.

The Pure Food and Sanitation Division shall be divided into the following Sections:

- A. The Milk Inspection Section, which shall provide inspection of the milk supply, including the source, transportation, handling, and preparation for distribution;
- B. The Meat Inspection Section, which shall provide inspection of meat in an effort to keep unwholesome meats and meat products from the market;
- C. The Sanitation Inspection Section, which shall provide general sanitation inspection services, such as restaurant inspection, food inspection, market inspection, food handler's examinations, inspections of hospitals and certain manufacturing plants, and the inspection of housing conditions, including ventilation, lighting and sanitation fixtures.

3.28.100 Division of Mental Health.

The Division of Mental Health shall provide psychiatric consultation with school children and adults, assist the emergency hospital in the handling of persons with mental health problems, act as liaison between the Bureau of Health and mental health institutions and organizations, and generally provide a mental health service for the City.

3.28.110 Division of Home Health Care.

The Division of Home Health Care shall provide the limited nursing services such as but not limited to prescribed treatment, application of dressings, irrigations, exercises and baths and home health aide services including but not limited to nonprofessional care of ill or injured persons, food marketing or other needed shopping or errand, preparation and serving of meals and light housekeeping.

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**CHAPTER 3.30 - BUREAU OF
DEVELOPMENT SERVICES**

(Chapter replaced by Ordinance No. 175237,
amended by Ordinance No. 176955, effective
October 9, 2002.)

Sections:

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
- 3.30.020 Responsibility for the Development Services Center and Development Review.
- 3.30.030 Development Review Advisory Committee.
- 3.30.040 Administration and Enforcement.
- 3.30.045 Administrative Rulemaking Procedures.
- 3.30.050 Special Jurisdiction.
- 3.30.060 Nuisance Abatement Contracts.
- 3.30.070 Inspections.
- 3.30.080 Stop Work Orders.

3.30.005 Organization.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Bureau of Development Services shall be under the supervision of the Director. The Director shall be directly responsible to the Commissioner in Charge.

3.30.010 Duties of the Bureau of Development Services.

(Amended by Ordinance Nos. 176955, 180330, 182671, 182962, 186216, 184522, 185448 and 186053, effective January 1, 2015.) The Bureau of Development Services shall be responsible for:

- A. The administration and enforcement of provisions of the Tree Regulations, Title 11, as further specified in that Title.
- B. The administration and enforcement of:
 - 1. Building Regulations, Title 24.
 - 2. Plumbing Regulations, Title 25.
 - 3. Electrical Regulations, Title 26.
 - 4. Heating and Ventilating Regulations, Title 27.
 - 5. Floating Structures, Title 28.
 - 6. Property Maintenance Regulations, Title 29.

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7. Signs and Related Regulations, Title 32.
 8. Original Art Murals, Title 4.
 9. State of Oregon Regulations regarding manufactured dwellings.
 10. Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- C. The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.
- D. The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.
- E. The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.
- F. The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.
- G. The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and
- H. Other duties as assigned to the Bureau.

3.30.020 Responsibility for the Development Services Center and Development Review.
(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B. The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

3.30.030 Development Review Advisory Committee.
(Amended by Ordinance Nos. 176955, 178954, 184046 and 184183, effective November 26, 2010.)

- A. **Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development

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review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:

1. Providing leadership and expertise on issues affecting development;
2. Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
3. Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
5. Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
6. Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;
7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

B. Membership. The Development Review Advisory Committee shall consist of seventeen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations, and institutional properties. Members shall be appointed so that the Committee consists of one member from organizations representing each of the following groups, or if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers
2. Citywide neighborhood interests
3. Design professionals

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4. Environmental conservation and green building
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large developers
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors and development professionals
14. Neighborhood Coalition Land Use Committees
15. Small businesses
16. Planning and Sustainability Commission, as designated by the Planning and Sustainability Commission President, and serves as an ex officio member of the Committee.
17. Public works permit customers

C. Appointments and Terms. Appointment to the Development Review Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the Development Review Advisory Committee shall serve no more than two, complete three-year terms.

D. Meetings, Officers, and Subcommittees.

1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.

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2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
 3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.
- E. Attendance.** Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.
- F. Compensation.** Development Review Advisory Committee members shall serve without compensation.

3.30.040 Administration and Enforcement.

(Amended by Ordinance Nos. 175327, 176955, 183793, 186564, 186736 and 189413, effective March 6, 2019.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A.** Adopt, amend and repeal administrative rules, policies, procedures and forms for the enforcement of applicable Code provisions and laws.
- B.** Establish enforcement fees or penalties for non-compliance.
- C.** Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- D.** Gain compliance by:
 1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
 2. Causing appropriate action to be instituted in a court of competent jurisdiction.
 3. Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.

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4. Taking other lawful action.
 5. Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of City Code Chapter 33.207 by using the following procedures:
 - a. If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
 - b. The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
 - c. The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
 - d. Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.
- E.** Impose fees or penalties for non-compliance, provide notification, and allow for appeals by:
1. Initiating the notification procedures provided in Section 29.60.050.
 2. Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
 - a. The property is the subject of a notice of violation by the Bureau of Development Services; and
 - b. A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
 3. Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.

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4. Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
5. All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.
6. When a property meets the conditions for charging any Council approved fee or penalty for noncompliance, the Director shall file a statement with the Revenue Division identifying the property, the amount of the fee or penalty and the date upon which the charge should be assessed. The Revenue Division shall notify the property owner of the amount of the assessed fees and penalties, and a 10 percent Revenue Division charge. The Revenue Division shall record the total amount as a lien in the Docket of City Liens. The Revenue Division shall maintain the lien record until the lien and all associated interest and costs are paid in full, and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.
7. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
9. Allowing exceptions as provided in Section 29.60.100.

3.30.045 Administrative Rulemaking Procedures.

(Added by Ordinance No. 186564; amended by Ordinance No. 189078, effective July 18, 2018.)

- A. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.30.010 of this Title. Such administrative rules shall be adopted according to the procedures in this Section.
- B. Permanent rules.
 1. Prior to the adoption of a permanent rule, the Director shall:
 - a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before

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adoption of the administrative rule. The notice shall include the place and time of a proposed public hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments; and the location where copies of the full set of the proposed rules may be obtained. A copy of the notice will be provided to the Office of Community & Civic Life at least thirty days before adoption. The Director is only required to hold the public hearing if a written request is filed seeking a hearing.

- b.** During the public review process, the Director shall hear testimony and receive written comments regarding the proposed rules.
- c.** The Director will review the testimony and comments and may either adopt the proposed rule, modify it or reject it.
- d.** If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for public review and comment prior to adoption.

- 2.** Unless otherwise stated, all rules will be effective upon adoption by the Director.

C. Interim rules.

- 1.** The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the public interest.
- 2.** Interim rules will be effective for a period of not longer than 180 days.
- 3.** The Bureau of Development Services shall post public notice of the interim rule not more than 30 days after adoption by posting on its website and shall send notice to the Office of Community & Civic Life. Such notice shall identify the location at which copies of the full set of the interim rules may be obtained.

- D.** All final and interim rules shall be filed in the office of the Director. Copies of all final and interim rules will be made available to the public at the Development Services Center.

3.30.050 Special Jurisdiction.

(Amended by Ordinance Nos. 176585, 176955 and 182456, effective December 24, 2008). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections 16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking

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citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to the Bureau of Development Services enforcement remedies as described in Subsection 3.30.040 C.

3.30.060 Nuisance Abatement Contracts.

(Amended by Ordinance No. 176955, effective October 9, 2002.) When authorized elsewhere in this Code to abate a nuisance, the Bureau of Development Services may either abate the nuisance with City personnel as may be provided by this Code, or when necessary, the Bureau of Development Services, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060 of this Code.

3.30.070 Inspections.

A. Definitions. The terms used in this Section shall be defined as provided in this subsection, unless the context requires otherwise:

- 1.** Building Regulations means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.
- 2.** Property means real property and all improvements or structures on real property, from property line to property line.

B. Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition which makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by city code or by statute. The inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.

C. Grounds for Issuance of Inspection Warrants; Affidavit.

- 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

D. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

E. Execution of Inspection Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.
3. Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the

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described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.

4. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

3.30.080 Stop Work Orders.

(Amended by Ordinance Nos. 176955, 186564 and 187432, effective December 4, 2015.)

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not resume until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:
 1. The date of the order is issued;
 2. Permit or registration number, where applicable;
 3. Site address, legal description or project location that is subject to the stop work order;
 4. A description of violations observed; and
 5. The conditions under which the work may resume.
- B. The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner (and any person authorized to act on the owner's behalf, if identified) by regular first-class mail.
- C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D. A stop work order is effective upon posting.
- E. When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice as provided under Section A., above, within one working day.

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- F.** The Director may issue a stop work order for work commenced without a required permit.
- G.** The Director may impose a penalty as set forth in the Enforcement Fee and Penalty Schedule adopted by the City Council when a stop work order is issued. The stop work order penalty may be assessed daily for each day the violation or condition giving rise to the order continues.
- H.** Review of Stop Work Order by the Director.
 - 1.** If a property owner (and any person authorized to act on the owner's behalf) has received a stop work order as described in this Section and the property owner (and any person authorized to act on the owner's behalf) believes the order has been issued in error, the property owner (and any person authorized to act on the owner's behalf) may request that the order be reviewed by the Director. The property owner (and any person authorized to act on the owner's behalf) must submit a written request to the Director within 15 calendar days of the date of the order. The written request shall be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A. of this Section. Following review, the Director will issue a written determination. The Director's determination will be served on the property owner (and any person authorized to act on the owner's behalf) by regular mail.
 - 2.** A property owner (and any person authorized to act on the owner's behalf) may appeal the Director's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10.
 - 3.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22.

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CHAPTER 3.32 - BUREAU OF LICENSES

(Chapter repealed by Ordinance No. 179566,
effective October 1, 2005.)

**CHAPTER 3.33 - BUREAU OF PLANNING
AND SUSTAINABILITY**

(Chapter added by Ordinance No. 182671, effective
May 15, 2009.)

Sections:

- 3.33.010 Purpose.
- 3.33.020 Organization.
- 3.33.030 Functions.

3.33.010 Purpose.

The purpose of this Chapter is to describe the organization and functions of the Bureau of Planning and Sustainability.

3.33.020 Organization.

The Bureau is administered by the Commissioner in charge and led by the Director of Planning and Sustainability. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge.

3.33.030 Functions.

(Amended by Ordinance Nos. 184046 and 188177, effective January 1, 2018.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A.** Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B.** Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of the city;
- C.** Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Title 33, Planning and Zoning, portions of other City Titles, and a range of programs and policies;
- D.** Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;

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- E.** Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
 - 1.** The activities of the Planning and Sustainability Commission;
 - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
 - 3.** The activities of the Community Involvement Committee.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

**CHAPTER 3.34 - BUREAU OF PURCHASES
AND STORES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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**CHAPTER 3.36 - PORTLAND HOUSING
BUREAU**

(Chapter added by Ordinance No. 186028, effective
May 15, 2013.)

Sections:

- 3.36.010 Purpose.
- 3.36.020 Organization.
- 3.36.030 Functions.

3.36.010 Purpose.

The purpose of this Chapter is to describe the duties and responsibilities of the Portland Housing Bureau.

3.36.020 Organization.

The Portland Housing Bureau is administered by the Commissioner-in-Charge and led by the Director of the Portland Housing Bureau. The organization is structured to carry out its functions.

3.36.030 Functions.

The Portland Housing Bureau is responsible for housing policy, its implementation, and the distribution and oversight of public and other funds that address the housing interests of the City, and related programs and services.

A. The Portland Housing Bureau:

1. Works with the City Council, other bureaus, and the community to develop a vision for housing in the City of Portland;
2. Convenes government, community and stakeholders to coordinate planning for addressing homelessness, housing, and related activities;
3. Develops, modifies, evaluates and updates City policy in accordance with planning priorities;
4. Develops, modifies and updates community programs related to housing;
5. Distributes funds in accordance with planning, policy and program priorities to advance the City's interests in housing;
6. Monitors the City's investment in Portland's affordable housing infrastructure for compliance with funding goals and the proactive management of the assets;

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7. Monitors programs funded through the Bureau for compliance with funding goals;
8. Identifies the resources required to support the City's housing policies, programs, and priorities;
9. Provides support for the Portland Housing Advisory Commission (Chapter 3.38);
10. Carries out other tasks and functions as required by the City Council or Commissioner-in -Charge.

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**CHAPTER 3.38 - PORTLAND HOUSING
ADVISORY COMMISSION (PHAC)**

(Chapter replaced by Ordinance No. 184329,
effective December 15, 2010.)

Sections:

- 3.38.010 PHAC Established.
- 3.38.020 PHAC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Consolidated Plan Consortium.
- 3.38.070 Cooperation.

3.38.010 PHAC Established.

Upon adoption of this ordinance by the City of Portland, the Portland Housing Advisory Commission (PHAC) is established. The PHAC is designated as the primary public forum for discussion of housing policy, strategy, and resources in the City of Portland.

3.38.020 PHAC Mission.

The mission of the PHAC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on housing and homelessness policy, strategy, and resource issues, promote improvements within the Portland Housing Bureau and the larger housing system, highlight opportunities for influence between the City housing system and other systems, as well as provide a forum for public input on housing and homelessness issues.

3.38.030 Duties.

The PHAC is delegated to carry out the following functions:

- A.** Housing Policy and Planning.
 - 1. Provide a sounding board on Portland housing policy issues.
 - 2. Promote improvements within PHB.
 - 3. Identify opportunities where PHB might influence the larger housing system to become more streamlined and to better align system resources, to support PHB's mission.
 - 4. Advise PHB on City priorities for affordable housing development.
 - 5. Monitor and periodically recommend updates to PHB's Strategic Plan.

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6. Monitor and annually recommend updates to the Consolidated Plan Priorities for allocation of federal housing and community development resources.
 7. Recommend annual production and performance goals to carry out PHB's Strategic Plan and the Consolidated Plan.
 8. Press PHB to implement its commitment to equity in all facets of its work.
- B. Budget Review and Recommendations.**
1. Function as the Budget Advisory Committee for the Portland Housing Bureau.
 2. Assist PHB to align its resources from all sources to its mission and priorities.
 3. Identify opportunities for PHB to influence other public agency budgets and proposed work programs in furtherance of its mission.
- C. Resource Development.** Assist PHB to identify and recommend ways to increase the resources available to maintain and expand the supply and availability of affordable housing and necessary support services through new initiatives and programs.
- D. Program Development and Evaluation.**
1. Advise PHB on the effectiveness of housing programs at meeting PHB's mission.
 2. Advise on strategies for investment of public resources in furtherance of the PHB's mission.
- E. Public-Private Partnerships.**
1. Advise PHB on strategies to improve access to public and private sources of financing for affordable housing initiatives. Sources of financing include banks, philanthropic institutions and other socially-motivated investors, the State Housing Trust Fund, Block Grant and entitlement funders, and bond issuing agencies.
 2. Foster housing production by identifying opportunities to streamline the regulatory process.

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3. Actively encourage the support, personal commitment, and participation of highly respected community leaders in furthering the City's affordable housing agenda.

F. Community and Intergovernmental Relations.

1. Provide a forum for members of the community to provide comment about community needs and priorities.
2. Advise PHB on its legislative agenda to increase federal and state support for housing and supportive services.
3. Advise PHB on opportunities to coordinate regional housing policy with the Metropolitan Service District and other local governments.
4. Advise PHB on opportunities to coordinate policy development with local housing and social service groups.
5. Assist PHB to extend and deepen its community partnerships.
6. Assist PHB to integrate the perspectives of Urban Renewal Advisory Committees (URACs), and advise it on other ways it can engage the URACs to inform its broader agenda.
7. Periodically review PHB's broader public involvement strategy and implementation to make sure that community members and stakeholders have many opportunities to participate in PHB's work.
8. Advise PHB on its external communications strategy to make sure that it supports PHB's mission.
9. Periodically review PHB's information and referral strategy to make sure that it operates effectively and recommend changes.

3.38.040 Membership.

- A. The PHAC shall consist of at least twelve and no more than fifteen members.
- B. The City of Portland shall appoint all members.
- C. Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in market-rate and rent-restricted housing development and finance, asset management, homeownership, and housing access and stabilization services.

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- D.** Membership appointment shall take into account the income, racial, ethnic, cultural, and geographic diversity of the community.
- E.** Members will be expected to transcend their individual interests and affiliations to focus on the big picture.
- F.** For the initial appointments to PHAC, the following terms will apply: six members shall be appointed for a term of two years; and six for a term of three years.
- G.** All subsequent appointments to the PHAC shall be for terms of two years.
- H.** Members appointed for one two-year term shall be eligible to renew for one additional two-year term.
- I.** Members shall serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PHAC.
- J.** The PHAC shall adopt rules of procedure (bylaws) as necessary for the governance of its proceedings.

3.38.050 Staffing.

PHB staff shall be provided for the ongoing functions of the PHAC. The Bureau shall provide notice of PHAC meetings to liaison staff representing the other key implementing and policy agencies in the local housing delivery system.

3.38.060 Consolidated Plan Consortium.

The Portland Housing Bureau shall continue to lead the Portland Consortium that includes the City of Gresham and Multnomah County, for the purpose of applying for federal housing and community development entitlement funds, and funding for homeless programs and services. PHB shall also continue to lead the same Consortium in preparing the Analysis of Impediments to Fair Housing and its periodic updates. PHB shall continue to provide staffing for these efforts, according to funding agreements reached among the participating jurisdictions.

3.38.070 Cooperation.

All city boards, bureaus, and agencies of any kind shall cooperate with the PHAC and shall provide information at the Commission's request.

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**CHAPTER 3.40 - BUREAU OF GENERAL
SERVICES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

**CHAPTER 3.44 - BUREAU OF CIVIC
AUDITORIUM**

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

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**CHAPTER 3.46 - BUREAU OF INSECT
CONTROL**

Section:

3.46.010 County to Perform Duties.

3.46.010 County to Perform Duties.

During the terms of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Insect Control are being performed by the County and all Bureau of Insect Control employees are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by the Bureau of Insect Control.

**CHAPTER 3.52 - BUREAU OF COMPUTER
SERVICES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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**CHAPTER 3.53 - BUREAU OF RISK
MANAGEMENT**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

**CHAPTER 3.54 - LOSS CONTROL AND
PREVENTION**

(Chapter replaced by Ordinance No. 190172,
effective November 20, 2020.)

Sections:

- 3.54.010 Definitions.
- 3.54.020 OMF Risk Management Division Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.

3.54.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

- A. **"Bureau"** means all City bureaus or offices, including the offices of elected officials.
- B. **"Loss Prevention Policy"** and **"Policy"** mean a Citywide policy for bureaus to identify risks related to occupational health and safety, including workers' compensation exposures, achieve regulatory compliance, and promote a culture of safety.

3.54.020 OMF Risk Management Division Responsibility and Authority.

The OMF Risk Management Division shall have the following responsibility and authority in the area of City loss control and prevention:

- A. Develop a Loss Prevention Policy that outlines expectations and create a template to assist bureaus in developing a Loss Prevention Plan;
- B. Review bureau Loss Prevention Plans based on the Loss Prevention Policy and template;
- C. Advise and assist bureaus in the completion and implementation of their Loss Prevention Plans; and
- D. Monitor bureau loss prevention efforts and report information on City accomplishments to City leadership.

3.54.030 Bureau Responsibility and Authority.

Each City bureau shall have the following responsibility and authority:

- A. Develop a written Loss Prevention Plan using Risk Management's template. Utilize Risk Management's consulting services to assist with plan development, as necessary. Provide the proposed plan to Risk Management for review;

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- B.** Implement the bureau's Loss Prevention Plan and track bureau loss prevention effort accomplishments using Risk Management's reporting form; and
- C.** Annually review the bureau's Loss Prevention Plan. Consult with Risk Management to update the Plan in accordance with the Loss Prevention Policy.

**CHAPTER 3.57 - INDUSTRIAL INJURY
RETURN TO WORK POLICY**

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

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**CHAPTER 3.58 - VEHICLE LOSS CONTROL
POLICY**

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

CHAPTER 3.60 - ZOO COMMISSION

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

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CHAPTER 3.62 - BOXING COMMISSION

Section:

3.62.010 Certain City Officials to Render Certain Services.

3.62.010 Certain City Officials to Render Certain Services.

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Council finds that by the provisions of ORS Chapter 463 certain functions are to be performed by the Council and certain City officers; now, therefore, the City officials are hereby permitted and authorized to exercise the functions therein stated for and on behalf of the State as herein provided.

CHAPTER 3.64 - ART COMMISSION

(Chapter repealed by Ordinance No. 136980,
effective July 13, 1973.)

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**CHAPTER 3.66 - CIVIC AUDITORIUM
ADVISORY COMMITTEE**

(Chapter repealed by Ordinance No. 160034,
effective August 13, 1987.)

**CHAPTER 3.67 - PERFORMING ARTS
ADVISORY COMMITTEE**

(Chapter added by Ordinance No. 152285, effective
September 17, 1981.)

Sections:

- 3.67.010 Creation and Organization.
- 3.67.020 Procedure and Rules of Committee.
- 3.67.030 Duties.

3.67.010 Creation and Organization.

(Amended by Ordinance No. 153332, effective June 9, 1982.) There hereby is created an Advisory Committee to the Commissioner In Charge of the Portland Center for the Performing Arts to be known as the Performing Arts Center Advisory Committee. The Committee shall consist of 13 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members and shall designate the Chairman. Each member shall serve at the pleasure of the Commissioner In Charge. Upon completion for occupancy of all the facilities composing the Portland Center for the Performing Arts, the Performing Arts Center Advisory Committee shall be disbanded. In case of vacancy by death, incapacity to serve, or resignation, the Commissioner In Charge shall appoint a successor to serve the remainder of the vacant term. The Commissioner In Charge, or that person's representative, shall be an ex officio member of the Committee, but shall not be entitled to vote.

3.67.020 Procedure and Rules of Committee.

The Performing Arts Center Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at the call of the Chairman.

3.67.030 Duties.

The Performing Arts Center Advisory Committee shall be responsible for raising funds and advising the Commissioner In Charge in the planning, programming, design and construction phases of the Portland Center for the Performing Arts.

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**CHAPTER 3.68 - FORMAL JAPANESE
GARDEN COMMISSION**

Sections:

- 3.68.010 Created.
- 3.68.020 Powers and Duties.
- 3.68.030 Meetings.
- 3.68.040 Officers.
- 3.68.050 Rules - Quorum.
- 3.68.060 Vacancy - Removal.

3.68.010 Created.

There hereby is created a Formal Japanese Garden Commission for the City. The Commission shall consist of the Mayor, the Commissioner In Charge of the Bureau of Parks, the President of the Japan Society of Oregon, the President of the Japanese Ancestral Society, the Japanese Consul, and 12 persons appointed by the Mayor. All appointments shall be by the Mayor for 3-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation.

3.68.020 Powers and Duties.

It shall be the duty of the Commission to formulate and submit to the City Council plans for the establishment, maintenance, improvement and promotion of a formal Japanese garden. The Commission shall submit to the Council, not less than every 6 months, a report of its progress and recommendations. The Commission may form subcommittees, appoint unpaid advisors, hold public hearings, encourage the interest of other organizations in its objectives, and engage in similar activities which in its judgment may assist it in making recommendations and promoting the plan, establishment, maintenance and improvement of a formal Japanese garden that will be an attraction enjoyed by the people of Portland and their guests.

3.68.030 Meetings.

Each year an annual meeting shall be held. Each Commission member shall serve until the annual meeting of the year in which his term expires, or thereafter until his successor is appointed and qualified. Not less than three interim meetings shall be held each year in addition to the annual meeting. The Chairman of the Commission shall designate the time and place of the annual and interim meetings and the Secretary of the Commission shall give not less than 5 days advance notice thereof to each Commission member.

3.68.040 Officers.

A Chairman, Vice Chairman and Secretary shall be elected at each annual meeting of the Commission from among its members. All Commission officers shall serve until the annual meeting next following their election, or thereafter until a successor is elected.

3.68.050 Rules - Quorum.

Rules of procedures may be adopted and amended only upon an affirmative vote of eight or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than eight members shall constitute a quorum. Each member shall be entitled to one vote.

3.68.060 Vacancy - Removal.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

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**CHAPTER 3.70 - PITTOCK MANSION
ADVISORY COMMISSION**

Sections:

- 3.70.010 Created - Terms.
- 3.70.030 Special Committees and Services.
- 3.70.050 Officers.
- 3.70.060 Rules - Quorum.
- 3.70.070 Vacancy.

3.70.010 Created - Terms.

There hereby is created a Pittock Mansion Advisory Commission for the City, to which the Mayor, Commissioner In Charge of the Bureau of Parks, and Superintendent of Parks shall be ex officio members. The Commission shall otherwise consist of nine members appointed by the Mayor. The Mayor shall initially appoint two members for 1 year, three members for 2 years, two members for 3 years, and two members for 4 years. Thereafter all appointments shall be by the Mayor for 4-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation. The term of each such appointment shall be extended as necessary so that the term ends November 1.

3.70.020 Powers and Duties.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.030 Special Committees and Services.

Upon request of the Commission, the Mayor may appoint one or more special committees to serve the Commission in an advisory capacity. Secretarial services and office requirements shall be furnished to the Commission by the Bureau of Parks.

3.70.040 Meetings.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.050 Officers.

Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary and Treasurer, elected from its membership at the organizational meeting and at each annual meeting thereafter. All Commission officers shall serve until the annual meeting next following their election or thereafter until a successor is elected.

3.70.060 Rules - Quorum.

Rules of procedure may be adopted and amended only upon an affirmative vote of six or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote.

3.70.070 Vacancy.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

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**CHAPTER 3.71 - ENVIRONMENTAL
COMMISSION**

(Chapter added by Ordinance No. 164432; repealed
by Ordinance No. 167239, effective December 29,
1993.)

CHAPTER 3.72 - COMMITTEE ON CLAIMS

Sections:

- 3.72.010 Created - Members - Meetings.
3.72.020 Presentation of Claims.
3.72.030 Consideration of Claims Not Covered by Insurance.

3.72.010 Created - Members - Meetings.

(Amended by Ordinance Nos. 132014 and 163439, effective September 5, 1990.)

- A. Created. A Committee to be known as the “Committee on Claims” is hereby created for the purpose of considering fair and moral claims against the City not covered by insurance and making recommendations concerning the claims to the City Council.
- B. Members. This Committee shall consist of two members of the City Council appointed by the Mayor, one of whom shall be designated Chairman, and the City Auditor. The Risk Manager shall meet with the Committee, without power of vote, and serve as Secretary.
- C. Meetings. The Committee shall meet at times designated by the Chairman.

3.72.020 Presentation of Claims.

(Amended by Ordinance No. 163439, effective September 5, 1990.) All fair and moral claims against the City shall be presented to the Risk Manager. Presentation to the Risk Manager shall for all legal purposes be regarded as presentment to the Council of the City. Nothing contained herein shall be construed as repealing or modifying any of the provisions of Sections 1-106 and 1-107 of the Charter.

3.72.030 Consideration of Claims Not Covered by Insurance.

(Amended by Ordinance No. 163439, effective September 5, 1990.) The Risk Manager shall investigate and process all fair and moral claims against the City. The Risk manager shall present to the meeting of the Committee on Claims all facts and evidence gathered. The Committee shall make a recommendation on all claims presented and the same shall be transmitted to the Council for their consideration and final decision.

3.72.040 Claims Covered by Insurance.

(Repealed by Ordinance No. 163439, effective September 5, 1990.)

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CHAPTER 3.74 - OATHS OF OFFICE

Sections:

- 3.74.010 Persons Required to Take Oath.
- 3.74.020 Form of Oath for Mayor, Commissioner and City Auditor.
- 3.74.030 Form of Oath for Non-Elected City Employees.
- 3.74.040 Administering Oaths.

3.74.010 Persons Required to Take Oath.

(Amended by Ordinance Nos. 180917 and 189635, effective August 31, 2019.)

- A.** Each of the following employees shall be required to take an oath of office, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Auditor;
 - 1.** Every officer and member of the Bureau of Police, including temporary, and reserve officers;
 - 2.** Parking code enforcement supervisors and officers;
 - 3.** Each officer and member of Portland Fire & Rescue serving full time and devoting labor exclusively to the interests of the City;
 - 4.** Each elected City official;
 - 5.** The City Attorney and every deputy City Attorney; and
 - 6.** Each deputy City Auditor who administers oaths.
- B.** The City Council or a City board or commission may require the members of the board or commission to take an oath of office. If an oath of office is required, the Council or the board or commission shall establish requirements for the form, administration, and filing of the oath.

3.74.020 Form of Oath for Mayor, Commissioner, and City Auditor.

(Amended by Ordinance Nos. 168343 and 189635, effective August 31, 2019.) The form of oath to be taken by the elected officials of the City, after receiving a certificate of election from the City Elections Officer and before entering upon the discharge of their duties, shall be substantially as follows:

I, (name), do solemnly (affirm or swear) that I will support the Constitutions of the United States and of the State of Oregon and the Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (Mayor/Commissioner/City Auditor); I have no undisclosed financial interest in any business located in Portland or having contracts with the City; I hold no other office or position of profit; and I am not a member of any committee of any political party.

Additional language may be added for ceremonial purposes but shall not be considered part of the official oath of office.

3.74.030 Form of Oath for Non-Elected City Employees.

(Amended by Ordinance Nos. 139501, 168343 and 189635, effective August 31, 2019.)

The form of oath to be taken by non-elected City employees, before entering upon the discharge of their duties or as soon as possible thereafter, shall be substantially as follows:

I, (name), do solemnly (affirm or swear) that I will support the Constitutions of the United States and of the State of Oregon and the Charter of the City of Portland and its laws; and I will faithfully, honestly and ethically perform my duties as (office).

Additional language may be added for ceremonial purposes but shall not be considered part of the official oath of office.

3.74.040 Administering Oaths.

(Added by Ordinance No. 189635, effective August 31, 2019.) When an oath is required by this Chapter:

- A. The oath may be administered by the City Auditor, a deputy City Auditor, a notary public, or a judge or magistrate of any court of record in the United States, within their respective jurisdictions.
- B. Oaths shall be in writing and signed by the persons taking and administering the oath. Whenever the oath is administered by a person other than the City Auditor or a deputy City Auditor, the credentials of the person administering the oath shall appear on the document, and the oath shall be sent immediately to the City Auditor.

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CHAPTER 3.76 - PUBLIC RECORDS

(Chapter replaced by Ordinance No. 182637,
effective May 1, 2009.)

Sections:

- 3.76.010 Definitions.
- 3.76.020 Purpose.
- 3.76.030 Archives and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Archives and Records Management Program.
- 3.76.050 Duties of Elected Officials and the Managers of City Agencies.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

3.76.010 Definitions.

In this Chapter, unless the context otherwise requires:

- A. **“Agency”** means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland.
- B. **“Record”** or **“City record”** means any recorded information, regardless of physical form or characteristic, prepared, owned, used or retained in connection with the transaction of official business and preserved or appropriate for preservation by an agency as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Portland or because of the informational value in it. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications. These records are public property, subject to Oregon Public Records Law and to the records management requirements established by this Code.

3.76.020 Purpose.

The purpose of this Chapter is to provide for the orderly management and care of current City records and to preserve non-current City records of permanent value for administrative, legal, and research purposes.

3.76.030 Archives and Records Management Program Creation and Administration.

The City Auditor shall maintain a professional Archives and Records Management Program for the City, and shall be responsible for the maintenance of all City records. The City Auditor shall be the custodian for all permanent records for which an agency has transferred ownership to the Auditor and for all historical records.

3.76.040 Authority and Duties of the Archives and Records Management Program.

The Archives and Records Management Program shall:

- A.** Operate the program and the Archives and Records Center facility in accordance with currently accepted archives and records management professional standards;
- B.** Acquire, receive, appraise and secure records of permanent value from agencies of the City of Portland when those records are no longer necessary for conducting current business;
- C.** Acquire, receive, appraise, and secure all records for areas annexed by the City from a county or special district or from a defunct agency of the City of Portland;
- D.** Negotiate for the acquisition and return of City records which have been removed from its possession;
- E.** Secure transfer of records to the Archives when it has been determined that the records are stored under conditions that do not meet the standards established by Archives and Records Management;
- F.** Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to the City Archives;
- G.** Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic format;
- H.** Establish minimum recordkeeping requirements for business systems or applications that maintain official City records;
- I.** Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;
- J.** Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;
- K.** Establish standards for City agencies with regard to the appropriate use of record media, accounting for cost, access and preservation;
- L.** Establish procedures for the preparation of records inventories and descriptions; develop records retention schedules for review by the City Auditor and City Attorney and which meet the requirements of Oregon Administrative Rules;

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- M. Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- N. Provide training to City agencies and employees on all aspects of records management.

3.76.050 Duties of Elected Officials and the Managers of City Agencies.

Each City elected official and agency manager shall:

- A. Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B. Ensure staff compliance with City records policies and procedures established by Archives and Records Management;
- C. Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D. Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;
- E. Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;
- F. Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G. Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;
- H. Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I. Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J. Ensure that City records are maintained in a manner that meets guidelines set by Archives and Records Management for security and environment;

- K.** Designate a management level employee to act as a liaison between the agency and Archives and Records Management on all matters relating to the archives and records management program.

3.76.060 Care of Records.

Records of the City of Portland shall be managed according to the provisions of Oregon Revised Statutes, Oregon Administrative Rules and of this Chapter.

3.76.070 Destruction of Records.

City records covered by a records retention schedule shall be destroyed according to the parameters set forth in the retention schedule. In general, records shall not be retained beyond their prescribed retention.

3.76.080 Use of Copies.

- A.** A public officer performing duties under this Chapter is authorized to copy in any manner which produces a permanent, clear, accurate and durable reproduction of the original record. An original City record which is worn or damaged may be replaced by a reproduction made in accordance with this Chapter. Certification by the City Auditor, City Attorney, Archives and Records Management, or by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original City records are reproduced and placed in conveniently accessible files and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.
- B.** Reproduction or replacement of City records made under this Chapter are admissible in evidence as primary evidence of the original writing.

3.76.090 Public Access to Records.

All City records, except for those exempted by law, are available for inspection and copying by the public. The City may require that records use occur during certain business hours and at specified locations, and may charge fees to recover the cost of retrieval and copying.

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**CHAPTER 3.77 - OFFICE OF THE
OMBUDSMAN**

(Chapter added by Ordinance No. 175568, effective
July 1, 2001.)

Sections:

- 3.77.010 Purpose.
- 3.77.020 Definitions.
- 3.77.030 Office of the Ombudsman.
- 3.77.040 Ombudsman Selection.
- 3.77.050 Qualifications and Prohibitions.
- 3.77.060 Reserved.
- 3.77.070 Removal.
- 3.77.080 Staff and delegation.
- 3.77.090 Reserved.
- 3.77.100 Office Facilities and Administration.
- 3.77.110 Powers and Duties.
- 3.77.120 Investigations of Complaints.
- 3.77.130 Communications with Agency.
- 3.77.140 Communications with Complainant.
- 3.77.150 Procedure after Investigation.
- 3.77.160 Informing Community Members.
- 3.77.170 Reports.
- 3.77.180 Reserved.
- 3.77.190 Duty to Cooperate.
- 3.77.200 Ombudsman Immunities.
- 3.77.210 Reprisals Prohibited.
- 3.77.220 Relationship to Other Laws.
- 3.77.230 Effective Date.

3.77.010 Purpose.

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Office of the Ombudsman is an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of City departments, bureaus and other administrative agencies, issue reports and recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of fairness, competency, efficiency and justice in the provision of city services.

3.77.020 Definitions.

(Amended by Ordinance No. 188842, effective March 30, 2018.) In this chapter:

- A. "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.

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- B.** “Agent or agency” includes any department, bureau, office, institution, corporation, authority, board, commission, committee of the city, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. EXCEPTING: elected officials and their personal staff.
- C.** “City Auditor” refers to the elected City Auditor.
- D.** “City” refers to the City of Portland.
- E.** “City Council” refers to the City’s legislative body comprised of five elected officials, the Mayor, and four City Commissioners.
- F.** “Ombudsman” means the public official appointed by the City Auditor to receive and investigate the public’s complaints against administrative acts of City government.
- G.** “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- H.** "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.
- I.** “State” refers to the State of Oregon.

3.77.030 Office of the Ombudsman.

(Amended by Ordinance No. 188842, effective March 30, 2018.) There is established in accordance with City Charter Section 2-509 the Office of the Ombudsman.

3.77.040 Ombudsman Selection.

(Amended by Ordinance No. 188842, effective March 30, 2018.) The City Auditor shall select the Ombudsman in accordance with the Auditor’s human resource policies and rules and other applicable laws.

3.77.050 Qualifications and Prohibitions.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** The Ombudsman shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations, administration, and public policy, and shall have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman shall be a registered voter of the United States, and shall hold a degree from an accredited college/university, or its equivalent in service to local government.

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- B.** No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of their duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

3.77.060 Reserved.

3.77.070 Removal.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** The Ombudsman is an at-will employee and may be removed from office by the City Auditor.
- B.** If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

3.77.080 Staff and Delegation.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** The Ombudsman may appoint a deputy who is accountable to the Ombudsman and other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the Ombudsman's Office.
- B.** The Ombudsman may delegate to staff members any of the Ombudsman's duties, unless otherwise specified in this chapter.
- C.** The deputy shall succeed to all duties and responsibilities of the Ombudsman, including those specified by ordinance, when serving as the acting Ombudsman.

3.77.090 Reserved.

3.77.100 Office Facilities and Administration.

- A.** The City shall provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.
- B.** The Ombudsman shall annually recommend a budget proposal for submission to the City Auditor, who shall in turn include it in the Auditor's budget submission to the Mayor and City Council.
- C.** The Ombudsman shall be located within the City Auditor's office, and be accountable to the City Auditor. The Ombudsman shall have sole discretion in choosing consultants to assist with investigations, and in hiring staff. All administrators shall retain the authority to deny any request which is otherwise

contrary to ordinance or which exceeds the city council-adopted budget for the office.

3.77.110 Powers and Duties.

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman's powers and duties include, but are not limited to the following:

- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if the Ombudsman reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency employees, subject to collective bargaining obligations to the City's recognized bargaining units;
- D.** In accordance with City Charter, subject to collective bargaining obligations to the City's recognized bargaining units, to have timely access to and to examine and copy, without payment of a fee, any agency information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, subject to any applicable state or federal laws. The Ombudsman shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to timely produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;
- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Office of the Ombudsman;

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- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I.** To insure that a budget for the Office of the Ombudsman is well prepared and administered.

3.77.120 Investigations of Complaints.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** The Ombudsman shall receive complaints from any source concerning any administrative act. The Ombudsman may conduct a suitable investigation of a complaint that is an appropriate subject for investigation. An appropriate subject for investigation by the Ombudsman includes any administrative act that the Ombudsman believes might be:
 - 1.** contrary to, law, regulation or agency practice;
 - 2.** unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
 - 3.** based on mistaken facts or irrelevant considerations;
 - 4.** unclear or not adequately explained;
 - 5.** performed in an inefficient or discourteous manner;
 - 6.** otherwise erroneous or objectionable.
- B.** The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:
 - 1.** the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
 - 2.** the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
 - 3.** the complaint has been too long delayed to justify present examination;
 - 4.** the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
 - 5.** the complaint is trivial, frivolous, vexatious or not made in good faith;

6. the resources of the Ombudsman's Office are insufficient for adequate investigation;
 7. other complaints are more worthy of attention.
- C. The Ombudsman shall not investigate matters currently in litigation; covered by collective bargaining agreement grievance procedures; or, employee or applicant discrimination complaints.
- D. The Ombudsman's declining to investigate a complaint shall not bar the Ombudsman from proceeding on their own initiative to investigate an administrative act whether or not included in the complaint.
- E. The Ombudsman shall protect the confidentiality of complainants or witnesses coming before them consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out their duties or the disclosure of records is directed by the District Attorney. (See Subsection 3.77.110 F.)
- F. The Ombudsman shall have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

3.77.130 Communications with Agency.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A. The Ombudsman may make recommendations to an agency for the resolution of complaints and inquiries in accordance with this Chapter and City Charter.
- B. In seeking a resolution to a complaint or inquiry the Ombudsman may draw the matter to the attention of any agency head or division manager, the City Auditor, Mayor, City Commissioner, or the public.
- C. Before formally issuing a report with a conclusion or recommendation that is significantly critical or adverse to an agency, the Ombudsman shall have consulted with that agency and permitted the agency reasonable opportunity to reply. The Ombudsman may require an agency to notify them within a reasonable specified time of any action taken on a conclusion or recommendation. The Ombudsman will provide the opportunity to include with a final report a brief statement by the agency.

3.77.140 Communications with Complainant.

- A. After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.

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- B.** The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C.** After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

3.77.150 Procedure after Investigation.

(Amended by Ordinance No. 188842, effective March 30, 2018.)

- A.** If, after investigation, the Ombudsman is of the opinion that an agency should:
 - 1.** consider the matter further,
 - 2.** modify or cancel an act,
 - 3.** alter a regulation, ruling, practice, policy or procedure;
 - 4.** explain more fully the act in question,
 - 5.** rectify an omission, or take any other action,

the Ombudsman shall state any conclusions, recommendations and reasons therefor to the agency. If the Ombudsman so requests, the agency shall, within the time specified, inform the Ombudsman about the action taken on recommendations or the reasons for not implementing them.

- B.** After a reasonable period of time has elapsed, the Ombudsman may issue final conclusions or recommendations to the Auditor, the Mayor and City Commissioners, a grand jury, the public, or any other appropriate authority. The Ombudsman shall include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.
- C.** If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by City Council action, the Ombudsman shall notify the City Council and the agency of a desirable statutory change.
- D.** If the Ombudsman believes that any agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman shall refer the matter to the appropriate authorities without notice to that person.

3.77.160 Informing Community Members.

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman shall post notices or use other appropriate means to inform community members of their rights, protections, and availability of services provided for under this Chapter and City Charter

Section 2-509. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

3.77.170 Reports.

(Amended by Ordinance No. 188842, effective March 30, 2018.) The Ombudsman may from time to time and shall annually report the Office of the Ombudsman's activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

3.77.180 Reserved.

3.77.190 Duty to Cooperate.

(Amended by Ordinance No. 188842, effective March 30, 2018.) City employees shall cooperate with the Ombudsman in the exercise of their powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

3.77.200 Ombudsman Immunities.

(Amended by Ordinance No. 188842, effective March 30, 2018.) To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter and City Charter Section 2-509.

3.77.210 Reprisals Prohibited.

No person who files a complaint or participates in any investigation or proceeding pursuant to this chapter shall be subject to any penalties, sanctions or restrictions in connection with his or her employment or be denied any right, privilege, or benefit because of such action.

3.77.220 Relationship to Other Laws

The provisions of this Chapter are in addition to and do not in any manner limit or affect any other provisions of law under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the Ombudsman may be exercised notwithstanding any provision of law to the effect that any administrative action shall be final or unappealable.

3.77.230 Effective Date

This Act shall take effect on July 1, 2001.

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**CHAPTER 3.78 - ACQUISITION OF COUNTY
PROPERTY FOR PARK PURPOSES**

Sections:

- 3.78.010 Authorization for Payment.
- 3.78.020 Title Reports.
- 3.78.030 Clearing of Title.
- 3.78.040 Retaining Property with Cloud on Title.

3.78.010 Authorization for Payment.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the Accounting Division is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Accounting Division shall submit the matter to the City Attorney.

3.78.020 Title Reports.

The City Attorney hereby is authorized to obtain a policy of title insurance covering any particular parcel or parcels of property purchased in the past or in the future from Multnomah County for park and playground purposes. The expense of such title reports shall be chargeable to the public recreational areas fund.

3.78.030 Clearing of Title.

The City Attorney hereby is authorized to initiate and prosecute whatever legal action is necessary in his opinion to clear the title to any property covered by this Chapter and in any case, past, present or future, where he deems it necessary. Any expense incident thereto shall be chargeable to the public recreational areas fund.

3.78.040 Retaining Property with Cloud on Title.

Authority is hereby granted to accept and retain any property covered by this Chapter that has cloud on the title when and if the City Attorney renders an opinion that such cloud on title is not be deemed in imminent hazard.

CHAPTER 3.80 - SPECIAL PERMITS

Sections:

3.80.010 Operations to Cease Upon Expiration of Permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

3.80.010 Operations to Cease Upon Expiration of Permit.

It is unlawful for any person, who has been granted a special permit, whether under any special code or not, to continue to operate under the terms of the permit after the date on which the special permit, by its terms, expires. All persons to whom such a special permit has been granted by the Council shall come within the terms of this provision and comply herewith immediately after the expiration of the special permit by ceasing the operations allowed under the terms of the special permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

Park property not needed by the City for development may be used by private parties for gardening purposes by obtaining a special permit. The bureau of parks is authorized to issue revocable permits for such purpose and shall impose such conditions as are necessary and advisable to protect the interests of the City.

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**CHAPTER 3.82 - OFFICER AND EMPLOYEE
BONDS**

Sections:

- 3.82.010 Exceptions.
- 3.82.020 Bond of the City Treasurer.
- 3.82.030 City Auditor's Bond.

3.82.010 Exceptions.

All officers and employees, including the City Auditor, but not including the Mayor and City Commissioners, shall furnish a bond or bonds protecting the City against dishonesty, which bond or bonds shall be in the amount of \$10,000 per employee, with a further bond or bonds written as excess in the amount of \$40,000 per employee. Such bond or bonds shall run to the City, and the premium shall be paid by the City.

3.82.020 Bond of the City Treasurer.

The City Treasurer shall furnish a bond conditioned upon the faithful performance of his duties in the sum of \$100,000, which bond shall run to the City and the premium shall be paid by the City.

3.82.030 City Auditor's Bond.

The Auditor of the City shall furnish, in addition to the honesty bond provided above, a faithful performance bond in the sum of \$50,000, conditioned upon the faithful performance of his duties, which bond shall run to the City and the premium shall be paid by the City.

CHAPTER 3.84 - CITY OWNED MOTOR
VEHICLE ACCIDENT REPORTS

Sections:

- 3.84.010 Filing of Accident Report.
- 3.84.020 Form of Report.
- 3.84.030 Repair Shop Report.
- 3.84.040 Repair.
- 3.84.050 Billing of Charges.

3.84.010 Filing of Accident Report.

(Amended by Ordinance No. 165594, effective July 8, 1992.) In addition to the requirements of ORS 813, accident reports shall be filed:

- A. Whenever any motor vehicle belonging to the City, whether being operated by a City employee or not, becomes involved in an accident resulting in injury or death to any person or damage to the City vehicle or property of another, the operator of the City vehicle or the person to whom the vehicle is assigned or chargeable, shall, not later than the next normal day of business following the date of the accident, forward a complete written report of such accident, in triplicate, to the Bureau of Property Control upon forms furnished by the City. The Property Control Officer shall forward one copy of every report so filed, to the office of the City Attorney not later than the next normal day of business following the day of the filing;
- B. Whenever the original report and duplicate is insufficient in the opinion of the Property Control Officer of the City Attorney, supplemental reports of accidents may be required of the person or persons chargeable therefor;
- C. Whenever the driver of a vehicle involved in an accident is injured thereby so as to be incapable of making a required accident report and there was another City employee occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

3.84.020 Form of Report.

The Bureau of Property Control shall prepare or otherwise provide, and upon request supply to the various departments and bureaus of the City, forms for accident reports required in Section 3.84.010. The report shall call for sufficiently detailed information to disclose with reference to an accident involving a City owned motor vehicle, the cause, conditions then existing, and the persons and property involved.

3.84.030 Repair Shop Report.

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle

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is received, giving the City property number of such vehicle, department, and a general description of the damage.

3.84.040 Repair.

Every City owned motor vehicle damaged as defined in the subdivision (1) of Section 3.84.010 shall be removed to the municipal shop for repairs as soon as conveniently possible following the accident, but in no event more than 7 days thereafter; provided, however:

- A. That no vehicle shall be repaired without prior authorization of the Commissioner In Charge of the bureau to which the vehicle is assigned, or his authorized representative, except in the event of emergency whereupon the said Commissioner shall be notified within 72 hours of all such work done; and
- B. In no event shall any vehicle be repaired by other than a City owned and operated repair shop unless and until the Purchasing Agent of the City shall have first obtained at least three independent estimates of cost of repair, and in such event the repair work shall be awarded to the lowest responsible bidder.

3.84.050 Billing of Charges.

(Amended by Ordinance No. 189452, effective May 10, 2019.) No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Office of Management and Finance as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

**CHAPTER 3.86 - GOLF ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 133195, effective
September 20, 1971.)

Sections:

- 3.86.010 Created - Organization.
- 3.86.020 Procedure and Rules.
- 3.86.030 Duties.

3.86.010 Created - Organization.

(Amended by Ordinance Nos. 169770, 178253, 178935 and 186275, effective November 1, 2013.) There hereby is created an advisory committee to the Commissioner-in-Charge and Director of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. Members will however be entitled the use of each of the City's golf facilities, up to 4 times per year at no charge. Following each committee member visit to one of the golf facilities on this basis, he/she will be required to document the business purpose of the visit on a GAC Visit Form provided by the City. The Commissioner-in-Charge shall appoint the members of the Committee, the members to serve for a term of three years and may serve two consecutive terms. The Commissioner-in-Charge shall seek, to the extent feasible, to promote socio-economic diversity in appointments to the Committee, and, in order to accomplish or promote such diversity, may authorize, in the Commissioner's sole discretion, complimentary use of the City's golf facilities in addition to that provided to Committee members under this Section. The requirement of this Section that members document the business purpose of their free use of golf facilities shall apply to such additional use authorized by the Commissioner. The Commissioner-in-Charge or his/her representative shall be an ex-officio member of the Committee.

3.86.020 Procedure and Rules.

(Amended by Ordinance No. 169770, effective March 8, 1996.) The Golf Advisory Committee shall establish operating rules, bylaws, and procedures for all matters for consideration or action by the Committee, subject to the approval of the City Attorney. The Committee shall hold meetings at such time as is set by the body and at any other time at the call of the Committee Chair.

3.86.030 Duties.

(Amended by Ordinance Nos. 169770 and 186275, effective November 1, 2013.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-in-Charge and the Director of Parks regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program; review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization

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and use of Golf System revenue. The Golf Advisory Committee shall make an annual written report to the Commissioner-in-Charge, the Director of Parks and to the Council.

**CHAPTER 3.88 - INVESTMENT ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 135093; amended
by 143470 and 151419, effective April 16, 1981.)

Sections:

- 3.88.010 Created - Organization.
- 3.88.020 Procedure and Rules.
- 3.88.030 Duties.

3.88.010 Created - Organization.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) There hereby is created an advisory committee to the Commissioner In Charge, the Director of the Office of Management and Finance and the city Treasurer to be known as the Investment Advisory Committee. The Committee shall consist of a minimum of three public members who shall serve without compensation. The Commissioner In Charge, with approval by the Council, shall appoint the public members of the Committee to serve for 2-year terms that are renewable. The Debt Manager shall be an ex officio member of the Committee. In case of the resignation, death or inability to serve of any member, the Commissioner may appoint a successor to serve out the unexpired term subject to approval by the Council.

3.88.020 Procedure and Rules.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold at least three meetings per year at such times as is set by the body and at any other time at the call of the Chair. The Office of Management and Finance shall provide clerical staff.

3.88.030 Duties.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall advise the Commissioner In Charge, the Director of the Office of Management and Finance, the City Council and the City Treasurer of the City on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Commissioner in Charge of the Office of Management and Finance, the City Council or the Director of the Office of Management and Finance may request.

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**CHAPTER 3.90 - OFFICE OF MANAGEMENT
SERVICES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

**CHAPTER 3.92 - BUREAU OF HUMAN
RESOURCES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

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**CHAPTER 3.94 - OFFICE OF PLANNING
AND DEVELOPMENT**

(Chapter amended by Ordinance No. 147789
effective June 23, 1979 through June 30, 1982.)

**CHAPTER 3.95 - BUREAU OF ECONOMIC
DEVELOPMENT**

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

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**CHAPTER 3.96 - OFFICE OF COMMUNITY
& CIVIC LIFE**

(Chapter replaced by Ordinance No. 179418;
amended by Ordinance No. 189078 effective July
18, 2018.)

Sections:

- 3.96.010 Purpose.
- 3.96.020 Definitions.
- 3.96.030 Neighborhood Associations.
- 3.96.040 Functions of District Coalitions.
- 3.96.050 Responsibility of City Agencies.
- 3.96.060 Responsibilities of the Office of Community & Civic Life.

3.96.010 Purpose.

(Amended by Ordinance No. 189078, effective July 18, 2018.) This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Community & Civic Life and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

3.96.020 Definitions.

(Amended by Ordinance No. 189078, effective July 18, 2018.) As used in this Chapter the following terms have the meanings given them in this Section.

- A. **Neighborhood:** A geographically contiguous self-selected community.
- B. **Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Community & Civic Life, and subject to Chapter 3.96.
- C. **District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.
 - 1. **Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.

2. **City--Staffed District Coalition:** An office partially or fully staffed by City personnel to provide neighborhood services as advised by the participating Neighborhood Associations.

- D. Business District Association:** An autonomous non-profit organization with membership guidelines in its bylaws formed by people in business within a defined geographic boundary for the purpose of promoting the general well-being of their business community. A Business District Association is subject to Chapter 3.96.

- E. Office of Community & Civic Life:** An agency of the City of Portland, whose purpose is to facilitate citizen participation and improve communication among citizens, Neighborhood Associations, non-profit District Coalitions/City-staffed District Coalitions, City agencies, and other entities. The Office of Community & Civic Life is subject to these Standards.

- F. City agency:** Includes all departments, bureaus, offices, boards and commissions of the City of Portland.

- G. Standards:** Regulations adopted by City Council that govern Neighborhood Associations, District Coalitions, Business District Associations and the Office of Community & Civic Life.

3.96.030 Neighborhood Associations.

(Amended by Ordinance No. 189078, effective July 18, 2018.)

- A. Minimum Standards for Neighborhood Associations.** To receive and maintain formal recognition, Neighborhood Associations shall meet the Standards for neighborhood public involvement.

- B. Functions of Neighborhood Associations.** A Neighborhood Association may engage in, but is not limited to the following:
 1. Make recommendation(s) concerning a particular action, policy or other matter to any City agency on any topic affecting the livability, safety and economic vitality of the Neighborhood, including but not limited to land use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality and public safety; and,

 2. Assist City agencies in determining priority needs of the Neighborhood; and,

 3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,

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4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and Office of Community & Civic Life to create District Coalitions.

C. Responsibilities of Neighborhood Associations.

1. Neighborhood Associations shall abide by the Standards established by the Office of Community & Civic Life.
2. Neighborhood Associations shall make a reasonable effort to include affected City agencies in planning activities which affect Neighborhood livability.

D. Benefits to Neighborhood Associations.

1. Any Neighborhood Association meeting the minimum requirements established by 3.96.030, upon request, is entitled to formal recognition and benefits from the Office of Community & Civic Life pursuant to the adopted Standards.
2. If a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Community & Civic Life may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.

3.96.040 Functions of District Coalitions.

(Amended by Ordinance No. 189078, effective July 18, 2018.) A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;
- B. Facilitate communication between people and government;
- C. Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D. Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E. Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F. Abide by the Standards established by the Office of Community & Civic Life.

3.96.050 Responsibility of City Agencies.

- A. City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B. City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C. Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

3.96.060 Responsibilities of the Office of Community & Civic Life.

(Amended by Ordinance Nos. 186216, 187359 and 189078, effective July 18, 2018.) There is hereby established and created an Office of Community & Civic Life which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Community & Civic Life shall:

- A. Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review;
- B. Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public;
- C. Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Community & Civic Life neighborhood system;
- D. Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions;
- E. Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy;
- F. Support and promote public involvement within the Neighborhood Association framework;
- G. Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through

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Neighborhood Associations and District Coalitions. In so doing, the Office of Community & Civic Life shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary;

- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Community & Civic Life may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association;
- I.** Promote, encourage and support diverse and multicultural public involvement;
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Community & Civic Life;
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions;
- L.** Administer and enforce City Code Title 18, Noise Control; and
- M.** Other duties as assigned to the Office by Council.

**CHAPTER 3.98 - TOWING BOARD OF
REVIEW**

(Chapter repealed by Ordinance No. 190511,
effective July 28, 2021.)

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CHAPTER 3.99 - FAIR WAGE POLICIES

(Chapter added by Ordinance No. 174839, effective
August 24, 2000.)

Sections:

- 3.99.005 Policy.
- 3.99.010 Covered Services and Agreements.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.
- 3.99.030 Documentation of Fair Wage in Contracts.

3.99.005 Policy.

(Amended by Ordinance No. 187124, effective May 13, 2015.) It is the policy of the City of Portland that employees performing certain categories of work under formal contracts for janitorial services, for security services, and for parking garage attendant services with the City of Portland be guaranteed a minimum fair wage. City bureaus and operating units have the discretion to implement this policy in a reasonable manner.

3.99.010 Covered Services and Agreements.

(Amended by Ordinance No. 187124, effective May 13, 2015.) The Fair Wage Policy applies to formal contracts entered into by the City of Portland, in accordance with Portland City Code 5.33, for janitorial services, for security services, or for parking garage attendant services. No other agreement or contract entered into by the City of Portland shall be covered by this Chapter.

Exceptions to this Section may be approved via ordinance by a vote of the Council.

3.99.015 Compliance.

(Amended by Ordinance No. 187124, effective May 13, 2015.) City of Portland bureaus or operating units entering into contracts for covered services shall include the minimum hourly wage rate established in PCC 3.99 in all procurement announcements and resulting contracts. Contractors' compliance with the minimum wage requirements shall be monitored through submission of monthly certified payroll, mandatory employee notification of minimum wage rates via on-site postings, designation of bureau staff responsible for compliance monitoring and complaint resolution, and other measures deemed appropriate by the City bureau or operating unit. Contracts entered into by the City for covered services shall also include a non-retaliation clause protecting workers who assert wage claims based on this Chapter.

3.99.020 Adjustments.

(Amended by Ordinance Nos. 187124 and 190405, effective June, 18 2021.) State and Federal law sets the base minimum wage. Unless otherwise directed by Council, minimum wage shall be no less than \$15 per hour. The Office of Management and Finance shall provide City bureaus with a yearly minimum hourly wage rate for covered services which is anticipated to be adjusted annually by the change in the consumer price index identified

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for use by the City of Portland and provided by the City Economist or pursuant to the terms of a City collective bargaining agreement for such represented employees if it differs from the City Economist. The adjustment shall be effective for all contracts on July 1 of each year. In determining the adjustment amount, the Office of Management and Finance shall take into account the City's overall financial picture, and OMF shall not interpret this Code to require any increase which is inconsistent with the City's financial health and capabilities.

3.99.030 Documentation of Fair Wage in Contracts.

(Added by Ordinance No. 187124, effective May 13, 2015.) Contracts entered into by the City for covered services shall include in the agreement the minimum hourly wage rate at the time the contract becomes effective and at the annual adjustment date of July 1. For agreements and contracts not subject to Section 3.99.010, the City shall not rely upon, nor reference, this Chapter 3.99 in those agreements.

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CHAPTER 3.100 - EQUAL OPPORTUNITY

(Chapter replaced by Ordinance No. 144724,
effective November 10, 1977.)

Sections:

- 3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
- 3.100.030 Contractor Equal Employment Opportunity Program.
- 3.100.041 Contracts with City.
- 3.100.042 Certification of Contractors.
- 3.100.043 Information Required.
- 3.100.044 Compliance Review.
- 3.100.045 Denial, Suspension, Revocation.
- 3.100.050 Nondiscrimination in Contracting.
- 3.100.051 Policy regarding Benefits.
- 3.100.052 Definitions.
- 3.100.053 Discrimination in the provision of benefits prohibited.
- 3.100.054 Limitations.
- 3.100.055 Power and duties of the Director.
- 3.100.056 Severability of Provisions.
- 3.100.060 Grant Equal Opportunity Compliance Program.
- 3.100.061 Definitions.
- 3.100.062 Purpose.
- 3.100.063 Responsibility.
- 3.100.064 Compliance Monitoring.
- 3.100.065 Rules and Regulations.
- 3.100.080 Minority/Female Purchasing Program.
- 3.100.081 Definitions.
- 3.100.082 Purpose.
- 3.100.083 Liaison Officer.
- 3.100.084 Minority/Female Business Enterprise List.
- 3.100.085 Advertising.
- 3.100.086 Minority/Female Purchasing Associations.
- 3.100.087 Monitoring.
- 3.100.088 Certification.
- 3.100.089 Rules and Regulations.

3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this

Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

- 3.100.010 Affirmative Action Program.**
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.011 Definitions.**
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.012 Policy.**
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.013 Objectives.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.014 Management Commitment.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.015 Regulatory Committee.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.016 Bureau EEO Advisory Committees.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.017 Reports and Audits.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.018 Complaints of Discrimination.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.019 Sanction.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.020 Rules and Regulations.**
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

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3.100.021 Identification of Handicapped.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.022 Management Commitment.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.023 Objectives.

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

3.100.030 Contractor Equal Employment Opportunity Program.

(Caption added under authority of PCC Subsection 1.01.035 B. on November 4, 2020: Sections 3.100.041 through 3.100.045 contain regulations addressing Contractor Equal Employment Opportunity Program.)

3.100.031 Definitions.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.032 Contracts with the City.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.033 Franchises.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.034 Certification of Contractors.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.035 Rules and Regulations.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.036 Compliance by Contractors.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.037 Denial or Revocation of Certification.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.038 Compatibility with Other Rules.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.039 State of Emergency.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.040 Exemptions.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.041 Contracts with City.

(Added by Ordinance No. 171418, effective July 23, 1997.)

- A. Equal Opportunity Employer.** An “Equal Employment Opportunity Employer” (“EEO Employer”) is one who does not engage in the discrimination prohibited by Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.
- B. Contracts with EEO Employers.** The City has a compelling governmental interest to ensure that it is neither an active nor passive participant in legally prohibited discrimination. Therefore, the City will award contracts only to EEO Employers and will require that any subcontract to such contract be awarded to an EEO Employer. Any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than \$2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. As used in the Code provisions regarding EEO Employers, the term “contractor” shall include all persons, contractors, vendors and entities who are required to obtain certification. In addition, all persons, vendors or entities that wish to be subcontractors on City awarded contracts shall be certified as EEO Employers unless the total of their subcontracts is less than \$2,500 in any single fiscal year or unless the subcontractor has been exempted from such requirements as determined by the Bureau of Purchases.
- C. Contracts Voidable.** Any contract between the City and a contractor who is not EEO certified or exempt from EEO certification requirements is voidable at the option of the City, regardless of whether the contractor was EEO certified when the contract was awarded or executed. Similarly, a contract is voidable if the contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

3.100.042 Certification of Contractors.

(Added by Ordinance No. 171418, effective July 23, 1997.) The Bureau of Purchases is delegated the authority to adopt rules and regulations to establish criteria for certification, conditional certification, decertification, revocation, suspension and denial of EEO status to Contractors and Subcontractors, to administratively implement this program, to investigate complaints of prohibited discrimination, to conduct compliance reviews, and to establish rules of procedure it deems necessary in order to discharge its duties.

3.100.043 Information Required.

(Added by Ordinance No. 171418, effective July 23, 1997.) Contractors and Subcontractors shall provide all information requested by the Bureau to assist it in performing its duties under Section 3.100.042 of this Code.

3.100.044 Compliance Review.

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by

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a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

3.100.045 Denial, Suspension, Revocation.

(Added by Ordinance No. 171418, effective July 23, 1997)

- A.** Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
- 1.** Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
 - 2.** Engages in discrimination prohibited by state, federal or local law;
 - 3.** Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;
 - 4.** Refuses to provide information when the Bureau is conducting a Compliance Review;
 - 5.** Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau’s request for information; or
 - 6.** Intentionally employs subcontractors that are not EEO certified.
- B.** Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C.** Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

3.100.050 Nondiscrimination in Contracting.

(Added by Ordinance No. 180077, effective May 19, 2006)

3.100.051 Policy regarding Benefits.

(Added by Ordinance No. 180077, effective May 19, 2006) It is the City's intent, through its contracting practices outlined herein, to spend public money through its contracts to equalize, to the extent possible, the total benefits between similarly situated employees with spouses and employees with domestic partners.

3.100.052 Definitions.

(Added by Ordinance No. 180077, effective May 19, 2006) As used in this Chapter unless the context requires otherwise:

- A. "Bureau" means the Bureau of Purchases.
- B. "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C. "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.
- D. "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.
- E. "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.100.053 Discrimination in the provision of benefits prohibited.

(Added by Ordinance No. 180077, effective May 19, 2006)

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- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
 - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:
- 1.** Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
 - 2.** Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
 - 3.** Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
- 1.** Award of a contract or amendment is necessary to respond to an emergency;
 - 2.** No compliant contractors are capable of providing goods or services that respond to the City's requirements;
 - 3.** The contractor is a public entity;
 - 4.** The requirements are inconsistent with a grant, subvention or agreement with a public agency;

- 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D. Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F. The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G. All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

3.100.054 Limitations.

(Added by Ordinance No. 180077, effective May 19, 2006) The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed.

The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

3.100.055 Powers and duties of the Director.

(Added by Ordinance No. 180077, effective May 19, 2006) The Director of the Bureau of Purchases shall have the power to:

- A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B. Examine contractor's benefit programs covered by this chapter;
- C. Allow for remedial action after a finding of non-compliance, as specified by rule.

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- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
 - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
 - 2.** Contractual remedies, including, but not limited to, termination of the contract.
- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

3.100.056 Severability of Provisions.

(Added by Ordinance No. 180077, effective May 19, 2006) If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

3.100.060 Grant Equal Opportunity Compliance Program.

3.100.061 Definitions.

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A.** “Equal Opportunity” or “EO” means the concepts and practice of nondiscrimination on the basis of race, religion, color, national origin, sex, age or handicap in employment, purchasing, contracting, or utilization of firms or individuals on the basis of demographics as may be prescribed by grants awarded to the City of Portland by other governmental agencies.

3.100.062 Purpose.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Grant Equal Opportunity Compliance Program is:

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.

- C. To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

3.100.063 Responsibility.

(Amended by Ordinance No. 150738, effective December 13, 1980.) Affected City agencies shall have responsibilities under this Section as follows:

- A. Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.

Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.

- B. Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:
 - 1. Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.
 - 2. Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.
- C. Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

3.100.064 Compliance Monitoring.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall monitor the program at appropriate intervals to assure compliance with requirements. Where difficulties are noted, recommendations shall be made to the appropriate bureau, office supervisor or project manager.

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3.100.065 Rules and Regulations.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall establish and maintain suitable rules and regulations for administration of the Grant Equal Opportunity Compliance Program.

3.100.080 Minority/Female Purchasing Program.

(Amended by Ordinance No. 150738, effective December 13, 1980.)

3.100.081 Definitions.

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A. **“Minority” or “minorities”** means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. **“Members of Other Groups”** (MOG) means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.
- C. **“Minority business enterprise”** (MBE) means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. **“Female business enterprise”** (FBE) means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

3.100.082 Purpose.

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Minority/Female Purchasing Program is to encourage and promote the sale of goods and/or services by minority and female business enterprises to the City of Portland. When such services are provided by federal funds encouraging or requiring MBE/FBE participation, the City shall take necessary action to comply with federal laws, regulations and contracting requirements.

3.100.083 Liaison Officer.

(Added by Ordinance No. 150738, effective December 13, 1980.) The designated Liaison Officer shall be the Purchasing Agent, who will be responsible for the day to day management of all elements of the program.

3.100.084 Minority/Female Business Enterprise List.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Contract and Grants Compliance Division of the Office of Fiscal Administration shall establish and maintain a current list of minority/female business enterprises, with indications of product and service areas. Such lists shall be consulted when requests for quotations for supply of goods and/or services are received.

3.100.085 Advertising.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent shall advertise periodically in local publications (including the Daily Journal of Commerce, female and minority publications) that the City encourages bidding by MBEs and FBEs and that the City will assist such firms to understand and participate in formal bidding process.

3.100.086 Minority/Female Purchasing Associations.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

3.100.089 Rules and Regulations.

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent (Bureau of Financial Affairs) shall establish and maintain rules and regulations for administration of the Minority/Female Purchasing Program.

3.100.090 Metropolitan Human Relations Commission Review and Evaluation.

(Repealed by Ordinance No. 173369, effective May 12, 1999.)

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**CHAPTER 3.101 - PROPERTY TAX
EXEMPTION FOR LOW INCOME HOUSING
HELD BY CHARITABLE NON-PROFIT
ORGANIZATIONS**

(Chapter added by Ordinance No. 157768, effective
August 29, 1985.)

Sections:

- 3.101.010 Definitions.
- 3.101.020 Eligible Organizations.
- 3.101.030 Eligible Property.
- 3.101.040 Application Procedure.
- 3.101.050 Review of Application.
- 3.101.060 Annual Application Renewal.
- 3.101.070 Assessment Exemption.
- 3.101.080 Termination.
- 3.101.090 Implementation.

3.101.010 Definitions.

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) As used in this Chapter:

A. “Low income” means:

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

B. “Eligible property” means land and improvements thereon:

1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;

2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and
3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

3.101.020 Eligible Organizations.

(Amended by Ordinance No. 185043, effective December 7, 2011.) “Eligible organizations” means only charitable non-profit corporations certified by the Internal Revenue Service of the federal government as a 501 (c) (3) or (4) organization which also provides housing for occupancy by low-income persons as defined by Section 3.101.010 in this Chapter. No other types of non-profit or for-profit organizations are eligible.

3.101.030 Eligible Property.

(Amended by Ordinance Nos. 167356 and 185043, effective December 7, 2011.) As used in this Chapter:

- A. “Eligible property” as defined in Subsections 3.101.010 B. 1.-3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter shall be exempt from taxation:
 1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
 2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
 3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low income housing pursuant to ORS 307.541(1)(c)(B).
 4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
 5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.

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- B.** For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:
- 1.** The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
 - 2.** The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.
- C.** Pursuant to ORS 307.541(3), a partnership shall be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

3.101.040 Application Procedure.

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

- A.** To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
- 1.** The applicant's name, address, and telephone number;
 - 2.** The assessor's property account number for each site;
 - 3.** The number of units and the exempted amount of each property being applied for under this Chapter;
 - 4.** A description of the property for which the exemption is requested;
 - 5.** A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
 - 6.** A description of how the tax exemption will benefit project residents; and
 - 7.** A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
 - 8.** A certification of income levels of low-income occupants;

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9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
 10. A description of the development of the property if the property is being held for future low income housing development; and
 11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
 2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the March 1 application deadline;
 3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
 4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.
- C.** The applicant shall verify the information in the application, in accordance with Subsections 3.101.040 B. 1. through 3. above, by oath or affirmation.
- D.** Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred.

3.101.050 Review of Application.

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

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- A.** Within 30 days after the March 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B.** If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C.** The Portland Housing Bureau shall file a certified list of approved properties with the County Assessor on or before April 1.
- D.** If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- E.** Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.
- F.** The application shall be assigned an application and receipt number.

3.101.060 Annual Application Renewal.

(Amended by Ordinance Nos. 167356, 178286, 185043 and 187660, effective April 6, 2016.)

- A.** Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.
- B.** The annual application renewal fee shall be set by the Portland Housing Bureau.

3.101.070 Assessment Exemption.

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.

- B.** Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.
- C.** The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

3.101.080 Termination.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau shall give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and require the owner to appear before City Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.
- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the Portland Housing Bureau shall notify every known lender and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance shall be remedied.
- C.** If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, City Council shall adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.
- D.** Upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by City Council or by a court, in accordance with the findings of City Council or the court as the assessment year in which the exemption is to

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terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

3.101.090 Implementation.

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by ORS 307.545.

**CHAPTER 3.102 - PROPERTY TAX
EXEMPTION FOR NEW CONSTRUCTION
OF SINGLE-UNIT HOUSING IN
HOMEBUYER OPPORTUNITY AREAS**

(Chapter replaced by Ordinance No. 185477,
effective August 1, 2012.)

Sections:

- 3.102.010 Purpose.
- 3.102.020 Definitions.
- 3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.
- 3.102.040 Exemption Requirements.
- 3.102.050 Application Review and Approval.
- 3.102.060 Compliance.
- 3.102.080 Termination of the Exemption.
- 3.102.090 Implementation.

3.102.010 Purpose.

- A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.
- B. In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:
 - 1. Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
 - 2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
 - 3. Provide transparent and accountable stewardship of public investments.

3.102.020 Definitions.

(Amended by Ordinance No. 186700, effective July 1, 2014.) As used in this Chapter:

- A. **“Administrative Rules”** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B. **“Applicant”** means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the

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terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.

- C. “**Single-unit housing**” has the meaning set forth in ORS 307.651(4).

3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.

- A. Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the Administrative Rules.
- B. However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

3.102.040 Exemption Requirements.

(Amended by Ordinance No. 186700, effective July 1, 2014.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

- A. Property
1. Single-unit housing must be located within the City of Portland;
 2. Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
 3. Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;
 4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
 5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two bedroom homes are allowed; and
 6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.
- B. Affordability

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1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

C. Owner-Occupancy

1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
 - a. Active military duty outside of the area;
 - b. Temporary relocation to care for an ill or dying family member; or
 - c. Temporary relocation caused by an employer; and
3. The single-unit housing may not be rented at any time during the exemption period.

D. Equity

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.

- E. Green Building.** The new construction must be built to meet healthy and resource efficient environmental building standards.

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- F. Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

3.102.050 Application Review and Approval.

- A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.
- B. Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.
- C. If construction of the single-unit housing is not completed within the timeframe described in ORS 307.674, Portland Housing Bureau may extend the deadline as consistent with ORS 307.677.
- D. The issuance of final building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the design standards as described in ORS 307.651(4)(a)
- E. Any exemption under this Chapter must be approved by City Council by resolution, and Portland Housing Bureau will deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.674.

3.102.060 Compliance.

(Amended by Ordinance Nos. 186700 and 188932, effective June 8, 2018.)

- A. Upon approval, Portland Housing Bureau will record a notice on title of the property requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each property to an initial homebuyer, as well as to subsequent purchasers throughout the duration of the exemption for any HOLTE applications approved after July 1, 2018.
- B. Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C. Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

3.102.070 Designation of Homebuyer Opportunity Areas.

(Repealed by Ordinance No. 186700, effective July 1, 2014.)

3.102.080 Termination of the Exemption.

If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

3.102.090 Implementation.

Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

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**CHAPTER 3.103 - PROPERTY TAX
EXEMPTION FOR MULTIPLE-UNIT
HOUSING DEVELOPMENT**

(Chapter replaced by Ordinance No. 187283,
effective August 5, 2015.)

Sections:

- 3.103.010 Purpose.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Program Requirements.
- 3.103.050 Application Review.
- 3.103.060 Application Approval.
- 3.103.070 Rental Project Compliance.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.100 Termination of the Exemption.
- 3.103.110 Implementation.

3.103.010 Purpose.

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
 - 1.** Stimulate the inclusion of affordable housing where it may not otherwise be made available.
 - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau’s Strategic Plan.
 - 3.** Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

(Amended by Ordinance No. 188163, effective February 1, 2017.) As used in this Chapter:

- A.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.

- B.** “**Applicant**” means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- C.** “**Regulatory Agreement**” means a low-income housing assistance contract recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- D.** “**Multiple-unit housing**” has the meaning set forth in ORS 307.603(5).
- E.** “**Owner**” means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any Regulatory Agreement and any compliance requirements under this Chapter.
- F.** “**Project**” means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

3.103.040 Program Requirements.

(Amended by Ordinance Nos. 188163, 189302 and 190145, effective October 23, 2020.)
In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following program requirements as further described in the program Administrative Rules:

- A.** Financial need for the exemption
 - 1.** Rental projects. The project would not include low to moderate-income units because it would not be financially feasible without the benefit provided by the property tax exemption.
 - 2.** For-sale projects. The units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.
- B.** Property eligibility

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1. Projects must be located within the taxing jurisdictions of the City of Portland and Multnomah County.
2. Projects must conform to City of Portland's zoning and density requirements.
3. Projects must include 20 or more units.

C. Affordability

1. For rental projects, for applications received on or before December 31, 2018, during the term of the exemption, a minimum of 15 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 8 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. For applications received after December 31, 2021, during the term of the exemption, a minimum of 20 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 10 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.
2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section 3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

- D. Accessibility.** At least 5 percent of the affordable units in the project must be built to be Type A as defined in the Oregon Structural Specialty Code.

3.103.050 Application Review.

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.
- B.** Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.
- C.** Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

3.103.060 Application Approval.

(Amended by Ordinance No. 188163, effective February 1, 2017.)

- A. Applications will be considered based on the Inclusionary Housing Program requirements as per City Code Section 30.01.120.
- B. Portland Housing Bureau will take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.
- C. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Compliance.

(Amended by Ordinance No. 188163, effective February 1, 2017.)

- A. The owner of a rental project approved for exemption will be required to sign a Regulatory Agreement to be recorded on the title to the property.
- B. During the exemption period, the owner or a representative shall submit annual documentation of tenant income and rents for the affordable units in the project to the Portland Housing Bureau.

3.103.080 For-Sale Unit Compliance.

- A. Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.
- B. For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.
- C. For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.

(Repealed by Ordinance No. 188163, effective February 1, 2017.)

3.103.100 Termination of the Exemption.

If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

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3.103.110 Implementation.

Portland Housing Bureau may adopt, amend and repeal the Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

**CHAPTER 3.104 - PROPERTY TAX
EXEMPTION FOR NEW, MULTIPLE-UNIT
HOUSING**

(Chapter repealed by Ordinance No. 185477,
effective August 1, 2012.)

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**CHAPTER 3.105 - BULL RUN ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 143520; repealed
by Ordinance No. 161853, effective May 27, 1989.)

**CHAPTER 3.106 -
EXPOSITION-RECREATION COMMISSION**

(Chapter added by Ordinance No. 143806, effective
June 15, 1977.)

Sections:

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

3.106.010 Commission Action.

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

3.106.020 Filing Copies of Resolutions with City Auditor.

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

3.106.030 Council Review.

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council member shall state the reason such review is necessary and what action the Council should take on the matters.

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3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.

(Amended by Ordinance No. 170667, effective October 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A. Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B. Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C. Personnel policy or matters of employment, dismissal or disciplining of employees.
- D. Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

3.106.050 Council Initiation of Exposition - Recreation Commission Action.

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

- A. Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B. The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

3.106.070 Special Services Personnel as Special Police.

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

CHAPTER 3.107 - WATER QUALITY
ADVISORY COMMITTEE

(Chapter added by Ordinance No. 161853, effective
May 27, 1989.)

Sections:

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

3.107.010 Created - Appointment.

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

3.107.020 Duties.

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A. The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B. The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.

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- C. The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

3.107.030 Meetings.

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

3.107.050 Rules - Quorum.

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

**CHAPTER 3.110 - BUREAU OF
HYDROELECTRIC POWER**

(Chapter added by Ordinance No. 147822, effective
July 9, 1979.)

Sections:

- 3.110.010 Creation and Function.
- 3.110.020 Jurisdiction.

3.110.010 Creation and Function.

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

3.110.020 Jurisdiction.

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

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**CHAPTER 3.111 - OFFICE OF SUSTAINABLE
DEVELOPMENT**

(Chapter repealed by Ordinance No. 182671,
effective May 15, 2009.)

**CHAPTER 3.112 - SUSTAINABLE
DEVELOPMENT COMMISSION**

(Chapter repealed by Ordinance No. 184046,
effective September 10, 2010.)

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**CHAPTER 3.114 - OFFICE FOR
COMMUNITY TECHNOLOGY**

(Chapter added by Ordinance No. 149053; amended
by Ordinance Nos. 151338, 160424 and 184882,
effective September 21, 2011.)

Sections:

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.
- 3.114.050 Administration.

3.114.010 Creation.

(Amended by Ordinance Nos. 185568 and 186746, effective August 6, 2014.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Division, as provided under Subsection 3.15.040 E., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Division or the Director's designee. The Office shall have such other employees as the Council may provide.

3.114.020 Functions.

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A. The Office shall be responsible for coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B. The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- C. The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning, communications policy advocacy, related technology grants and cable communications in the City.
- D. The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

3.114.030 Jurisdiction.

- A. The Office shall have jurisdiction over all franchisees and utility licensees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B. The Office shall have jurisdiction over all cable communications and broadband policy matters affecting the City of Portland.

3.114.040 Policy.

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

3.114.050 Administration.

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A. In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
 - 1. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
 - 2. At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

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3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

**CHAPTER 3.115 - MT. HOOD CABLE
REGULATORY COMMISSION**

(Chapter replaced by Ordinance No. 181155,
effective August 17, 2007.)

Sections:

- 3.115.010 Definitions.
- 3.115.020 Cable Regulatory Commission.
- 3.115.030 General Powers & Duties.
- 3.115.040 Portland Community Media.
- 3.115.060 Annexations.
- 3.115.070 Cable Television Consumer Protection.
- 3.115.080 Definitions.
- 3.115.090 Local Office and Office Hours.
- 3.115.100 Telephone Answering Standard.
- 3.115.110 Installations, Disconnections, Outages And Service Calls.
- 3.115.120 Notice Requirements.
- 3.115.130 Billing.
- 3.115.140 Reporting.

3.115.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

- A. **"Agreement"** means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B. **"Commission"** means the Mt. Hood Cable Regulatory Commission.
- C. **"Franchise"** means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D. **"Grantee"** means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

3.115.020 Cable Regulatory Commission.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A. The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating

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jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.

- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

3.115.030 General Powers & Duties.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office for Community Technology on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between the Agreement and a grantee franchise, the provisions of the franchise shall prevail.
- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

3.115.040 Portland Community Media.

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these

directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

3.115.060 Annexations.

- A.** In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
 - 1.** After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
 - 2.** After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B.** Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

3.115.070 Cable Television Consumer Protection.

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

3.115.080 Definitions.

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

- A.** **“Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B.** **“Normal Operating Conditions”** means those service conditions which are within grantee's control. Conditions which are not within grantee's include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee's control include, but are not limited to, special promotions, pay-

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per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee's control.

- C. **“Service Interruption”** means the loss of picture or sound on one or more cable channels.

3.115.090 Local Office and Office Hours.

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A. To accept payments;
- B. To exchange or accept returned converters or other company equipment;
- C. To respond to inquiries; and
- D. To schedule and conduct service or repair calls.

3.115.100 Telephone Answering Standard.

- A. Cable system office hours and telephone availability. Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.
- B. Telephone Answering Time. Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be

transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.

- C. Busy Phones. Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

3.115.110 Installations, Disconnections, Outages And Service Calls.

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A. Standard installations shall be performed within seven (7) business days after an order has been placed.
- B. Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C. The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D. Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.
- E. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F. If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

3.115.120 Notice Requirements.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

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- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
1. Products and services offered;
 2. Prices and options for programming services and conditions of subscription to programming and other services;
 3. Installation and service maintenance policies;
 4. Instructions on how to use the cable service;
 5. Channel positions programming carried on the system; and,
 6. Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

3.115.130 Billing.

- A.** Bill Statements. Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B.** Refunds. Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C.** Credits. Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

3.115.140 Reporting.

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

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**CHAPTER 3.116 - WATERWAYS ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 150413, effective
September 17, 1980.)

Sections:

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

3.116.010 Created - Organization.

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A. Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B. Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.
- C. Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.
- D. Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.

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- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

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**CHAPTER 3.120 - METROPOLITAN ARTS
COMMISSION**

(Chapter added by Ordinance No. 157240; repealed
by Ordinance No. 168592, effective March 8,
1995.)

**CHAPTER 3.122 - ECONOMIC
IMPROVEMENT DISTRICTS**

(Chapter replaced by Ordinance No. 164665,
effective September 18, 1991.)

Sections:

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 3.122.040 Statutory Provisions Applicable.
- 3.122.050 Preliminary Institution of Economic Improvement District
- 3.122.060 Final Plan and Ordinance Preparation.
- 3.122.070 Consideration of Final Plan and Ordinance.
- 3.122.080 Notice to Owners.
- 3.122.090 Exemption Process.
- 3.122.100 Hearing and Resolution Establishing District.
- 3.122.110 Preparation and Notice of Assessments.
- 3.122.120 Hearing on Assessments.
- 3.122.130 Amendments to Ordinance.
- 3.122.140 Limitation on Assessments.
- 3.122.150 Limitation on Boundaries.
- 3.122.160 Continuation of Assessments.
- 3.122.170 Expenditure of Moneys.
- 3.122.180 Cost of Administration.
- 3.122.190 Limitation on Expenditures.
- 3.122.200 Administration
- 3.122.210 Early Termination.
- 3.122.220 Surplus.
- 3.122.230 Entry and Collection of Assessments.

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

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3.122.020 Definitions.

(Amended by Ordinance No. 189413, effective March 6, 2019.) The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. “Economic Improvement”** means:
 - 1. The planning or management of development or improvement activities.
 - 2. Landscaping, maintenance and provision of security for public areas.
 - 3. The promotion of commercial activity or public events.
 - 4. The conduct of activities in support of business recruitment and development.
 - 5. The provision of improvements in parking systems or parking enforcement.
 - 6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.
- D. “Preliminary Economic Improvement Plan”** means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:
 - 1. A description of economic improvements proposed to be carried out;
 - 2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
 - 3. A preliminary estimate of annual cost of the proposed economic improvements;
 - 4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
 - 5. The proposed formula for assessing the cost of the economic improvements against subject properties;

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6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

E. “Final Economic Improvement Plan” means a plan setting out:

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
7. The cost of City administration of the Economic Improvement District.

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- F.** “**Lead bureau**” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
 - 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a.** The average rent per unit is less than \$2 per day, or
 - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
 - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
 - 2.** Property owned or being purchased by religious organizations including:
 - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
 - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.

- c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

K. “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. A representative designated by the Director of the Revenue Division shall be a member of each Task Force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Revenue Division a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.
- B. The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:
 - 1. The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;

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2. It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;
 3. Establishment of the Economic Improvement District would be in the public interest;
 4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
 5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D. Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E. Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and notify the head of the lead bureau of the appointment.

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- B.** The Revenue Division’s representative shall provide to the task force a report setting out:
1. Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
 2. Delinquencies in taxes or City liens on subject properties in the proposed District;
 3. The true cash value of all real property located within the proposed District; and
 4. The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C.** The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D.** The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the Revenue Division’s representative provided under Subsection B. The report also shall include a proposed ordinance that:
1. States the Council’s intention to proceed with formal notification regarding the proposed Economic Improvement District;
 2. States whether the assessments will be mandatory or voluntary;
 3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
 4. Directs notice to be given in the manner provided by PCC 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

- A.** If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B.** On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed

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Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

3.122.080 Notice to Owners.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Following adoption of the ordinance under Section 3.122.070 B, the Revenue Division shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
- 1.** The Council's intent to form an Economic Improvement District.
 - 2.** Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
 - 3.** The formula for determining the amount of the assessment.
 - 4.** The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Revenue Division and where the file can be viewed. It should state that:
 - a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
 - 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
 - 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
 - 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
 - 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Revenue Division a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B.** The Revenue Division, in its discretion, may examine a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The examination may include review of such evidence as the Revenue Division deems appropriate and may include a viewing of the property. In the event the Revenue Division determines that the property for which an exemption is claimed is not exempt, the Revenue Division shall give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Revenue Division shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Revenue Division's decision. The Revenue Division's approval or disapproval following review of the evidence shall be final.

3.122.100 Hearing and Resolution Establishing District.

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Revenue Division shall

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prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

- B.** Following preparation of the proposed assessments, the Revenue Division shall mail to the owner of each lot to be assessed a notice containing the following information:
- 1.** The description of the property being assessed.
 - 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
 - 3.** The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
 - 4.** The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
 - 5.** The time, date and place of the hearing and that the following forms of objection may be filed:
 - a.** A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
 - b.** An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c.** An objection to the formation of the District.
 - 6.** A written objection may be filed with the Revenue Division prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.

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7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Revenue Division prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D. At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

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3.122.130 Amendments to Ordinance.

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
 - 2.** Increases the likely assessment upon one or more properties; or
 - 3.** Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
 - 2.** Enlarges the Economic Improvement District.

3.122.140 Assessments.

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C.** The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;
- C. A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;

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- D. A description of any liability to be born and insurance to be provided by the contractor; and
- E. A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C. Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

3.122.230 Entry and Collection of Assessments.

(Amended by Ordinance No. 189413, effective March 6, 2019.)

- A. On adoption of an assessment ordinance under Section 3.122.120 D, the Revenue Division shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.

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- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

3.122.240 Economic Improvement Fund.
(Repealed by Ordinance No. 170223, effective July 1, 1996.)

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**CHAPTER 3.123 - PORTLAND UTILITY
BOARD**

(Chapter replaced by Ordinance No. 187174,
effective July 31, 2015.)

Sections:

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Terms.
- 3.123.060 Standing Committees.
- 3.123.070 Staffing.
- 3.123.080 Meeting Schedule.
- 3.123.090 By-Laws.
- 3.123.100 Annual Report and Work Session.

3.123.010 Created - Purpose.

(Amended by Ordinance No. 190652, effective January 21, 2022.) A Portland Utility Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the people of Portland, on the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

3.123.020 Scope.

- A.** The Portland Water Bureau and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process. The Board will actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor bureau and City Council responses to and implementation of audits, in consultation with the Commissioner(s)-in-Charge. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions

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throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

- B.** The Board will periodically consult the bureaus and the Commissioner(s)in-Charge on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the Commissioner(s)-in-Charge, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.
- C.** Participate in the rate design process: The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, watershed health, and stormwater. The Board shall report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.
- D.** When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- E.** Relationship to other interested parties: The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

(Amended by Ordinance Nos. 188015 and 190652, effective January 21, 2022.) The Board shall have 11 permanent members. Board members shall be appointed by the Mayor in consultation with the Commissioner(s)-in-Charge of the bureaus, and confirmed by the Council. Any Council member may submit nominations to the Commissioner(s)-in-Charge. In consultation with the Commissioner(s)-in-Charge, the Mayor shall appoint the two Co-Chairs of the Board. Six members shall constitute a quorum of the Board.

3.123.040 Appointments - Composition.

(Amended by Ordinance No. 188015, effective September 29, 2016.)

- A.** General Criteria. All members must reside in or work predominantly in the city of Portland and have an interest in water, sewer, stormwater, and watershed health

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issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.

- B.** Restrictions. No individual with any direct financial interest in either city utility other than as a rate-paying customer or as an employee of the utility bureaus.
- C.** The Mayor shall, in consultation with the Commissioner(s)-in-Charge, appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members shall be one represented and two non-represented utility bureau employees, appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members shall be evenly distributed between the utility bureaus. The term of ex officio members shall be for 1 year. Ex officio members may be re-appointed up to three times.

3.123.050 Terms.

(Amended by Ordinance No. 190652, effective January 21, 2022.)

- A.** Board members will be appointed to serve for a term of 3 years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until his or her replacement is appointed.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12 month period, without having notified the Co-Chairs in advance of such absence, such member shall be deemed to have resigned from the Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.060 Standing Committees.

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board may designate more specific roles and responsibilities for any standing committee in the Board by-laws.

3.123.070 Staffing.

- A.** The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staffing should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.
- B.** Commissioner(s)-in-Charge liaisons to the two utility bureaus shall serve as a resource to the Board and attend its meetings.

3.123.080 Meeting Schedule.

(Amended by Ordinance No. 190652, effective January 21, 2022.) The Board shall meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Co-Chairs. The Board Co-Chairs, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the Commissioner(s)-in-Charge.

3.123.090 By-Laws.

- A.** The Board shall adopt by-laws to govern its procedures within the purposes of this Chapter that shall not conflict with any portion of this Chapter and which are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters. As an initial action, the PUB will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.
- B.** The by-laws shall specify procedures for public testimony, including opportunities for public comments at each Board meeting.

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3.123.100 Annual Report and Work Session.

- A.** Annually, the Board shall prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board shall submit the annual report within the first 3 months following the beginning of each fiscal year for the utility bureaus. The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.
- B.** The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

**CHAPTER 3.124 - PORTLAND BUREAU OF
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;
Amended by Ordinance No. 185304, effective June
1, 2012.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

3.124.010 Definitions.

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The following definitions apply to Chapters 3.124 through 3.126:

- A. “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B. “Director” means the director of the Portland Bureau of Emergency Management.
- C. “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D. “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E. “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.

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- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.
- J.** “Continuity of Operations” (COOP) Plan means a plan that describes how a bureau will continue to perform its essential functions following an event that disrupts normal operations.

3.124.020 Portland Bureau of Emergency Management.

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM).

3.124.030 Purpose.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019). The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor or its commissioner-in-charge if other than the Mayor, and, thereafter, to the City Council.

3.124.050 Director's Powers and Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;

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- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019).

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: the succession plan described in the Bureau's COOP plan.
- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

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3.124.070 Neighborhood Emergency Team Program.

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams.

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
 - 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
 - 2.** Develop written processes and procedures governing the conduct of members;
 - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
 - 4.** Conduct or approve of ongoing training for NET members;
 - 5.** Designate certain NET members as team leaders for the purpose of supervision;
 - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders.

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.
- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.

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- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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**CHAPTER 3.125 - DISASTER POLICY
COUNCIL**

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

3.125.010 Disaster Policy Council.

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

3.125.020 Duties.

(Amended by Ordinance Nos. 185304 and 189462, effective May 17, 2019.) The DPC's duties include, but are not limited to, the following:

- A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B. Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D. Convene meetings no less than twice a year whenever:
 - 1. The President of the City Council changes
 - 2. Requested by the Mayor.
- E. Keep records of meetings and decisions.

3.125.030 Membership.

(Amended by Ordinance Nos. 185304, 186729 and 189462, effective May 17, 2019.) The DPC shall consist of the following members:

- A. The Mayor, who shall be Chair;

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- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D.** Chief Administrative Officer;
- E.** City Attorney;
- F.** City Auditor;
- G.** Director, Portland Bureau of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Emergency Communications;
- K.** Administrator, Portland Water Bureau;
- L.** Director, Bureau of Transportation;
- M.** Director, Human Resources;
- N.** Director, Bureau of Environmental Services;
- O.** Director, Portland Parks and Recreation;
- P.** Director, Bureau of Development Services;
- Q.** Director, Joint Office of Homeless Services
- R.** Director, Bureau of Revenue and Financial Services
- S.** Director, Bureau of Technology Services
- T.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-S. above who is able and available.

3.125.040 Procedures.

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

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3.125.050 Staff Support to Disaster Policy Council.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

**CHAPTER 3.126 - EMERGENCY
MANAGEMENT STEERING COMMITTEE**

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

3.126.010 Emergency Management Steering Committee.

(Amended by Ordinance No. 189462, effective May 17, 2019.) The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Bureau of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

3.126.020 Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual Bureau compliance with emergency plans;
- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

3.126.030 Membership.

(Amended by Ordinance Nos. 185304, 189078 and 189462, effective May 17, 2019.) The EMSC shall consist of qualified staff from the following Bureaus:

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- A. Water Bureau;
- B. Portland Fire & Rescue;
- C. Portland Police Bureau;
- D. Bureau of Environmental Services;
- E. Portland Parks & Recreation;
- F. Bureau of Transportation;
- G. Bureau of Emergency Communications;
- H. Portland Bureau of Emergency Management;
- I. Bureau of Development Services;
- J. Bureau of Technology Services;
- K. Office of Community & Civic Life;
- L. Bureau of Human Resources;
- M. Joint Office of Homeless Services; and
- N. Bureau of Revenue and Financial Services.

3.126.040 Staff Support to the Emergency Management Steering Committee.
(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

**CHAPTER 3.127 - BUREAU OF PORTLAND
FIRE AND POLICE DISABILITY AND
RETIREMENT**

(Chapter added by Ordinance No. 180690, effective
December 20, 2006.)

Sections:

- 3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
- 3.127.020 Purpose.
- 3.127.030 Organization.
- 3.127.040 Director's Powers and Duties.
- 3.127.050 Staff and Delegation.

3.127.010 Bureau of Portland Fire and Police Disability and Retirement.

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

3.127.020 Purpose.

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

3.127.030 Organization.

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

3.127.040 Administrator's Powers and Duties.

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A. Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B. Be responsible for administering the terms of the FPDR plan;

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- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.127.050 Staff and Delegation.

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

**CHAPTER 3.128 - OFFICE OF EQUITY AND
HUMAN RIGHTS**

(Chapter replaced by Ordinance No. 184880,
effective September 21, 2011.)

Sections:

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.
- 3.128.040 Administrative Rulemaking Procedures.

3.128.010 Creation and Organization.

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

3.128.020 Purpose.

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

3.128.030 Director's Powers and Duties.

(Amended by Ordinance No. 186898, effective November 19, 2014.) The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;

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- C. Developing an annual work plan to organize and prioritize the work of the Office;
- D. Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E. Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F. Providing reports to Council and the community annually and as requested.

3.128.040 Administrative Rulemaking Procedures.

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A. Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B. Adopting Rules.
 - 1. Prior to the adoption or amendment of a permanent rule, the Director shall:
 - a. Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
 - b. During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.
 - c. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
 - d. Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.

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- e. Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
- 2. All administrative rules shall be posted on the Bureau's website.
 - 3. The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

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**CHAPTER 3.129 - HUMAN RIGHTS
COMMISSION**

(Chapter added by Ordinance No. 181670; effective
March 19, 2008.)

Sections:

- 3.129.010 Staffing and Membership.
- 3.129.020 Mission.
- 3.129.030 Jurisdiction.

3.129.010 Staffing and Membership.

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

3.129.020 Mission.

(Amended by Ordinance No. 184880, effective September 21, 2011.) The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may be established) on the progress of the Commission and any recommendations to the Council for further action.

3.129.030 Jurisdiction.

The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

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**CHAPTER 3.130 - ADMINISTRATIVE
APPEALS**

(Chapter added by Ordinance No. 187151; effective
September 1, 2015.)

Sections:

- 3.130.010 Definitions.
- 3.130.020 Timely and Adequate Notification of Right to Appeal Required.

3.130.010 Definitions.

(Amended by Ordinance No. 189614, effective August 23, 2019.) For the purpose of this Chapter:

- A. “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order that is subject to the review procedures set forth in Title 33 of the Code.
- B. “Administrative Appeal” means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.
- C. “Appellant” includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, “appellant” does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.
- D. “Rule” means an administrative rule or bureau policy, as each term is defined in Section 1.07.020.
- E. "Timely" means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, “timely” means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:
 - 1. Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or

2. Ten business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

3.130.020 Timely and Adequate Notification of Right to Appeal Required.

- A. Timely and Adequate Notification Required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to appellant in accordance with Subsection 3.130.020 B.
- B. Form and Content of the Notice. An adequate notice must:
 1. Be in writing;
 2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
 3. Explain any right to request an administrative appeal, including:
 - a. citation of the applicable Code provision or rule providing the right to appeal;
 - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
 - c. the method for requesting an administrative appeal, including a City address and phone number;
 - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
 - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.
- C. A bureau, department or office may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided so long as it is consistent with Subsections A and B of this Section 3.130.020.

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**CHAPTER 3.131 - NEW PORTLANDERS
POLICY COMMISSION**

(Chapter added by Ordinance No. 187805; effective
July 8, 2016.)

Sections:

- 3.131.010 Mission.
- 3.131.020 Membership and Staffing.
- 3.131.030 Purpose.
- 3.131.040 Organization and Meetings.

3.131.010 Mission.

There is established in the City of Portland a New Portlanders Policy Commission. The New Portlanders Policy Commission shall advise the City on policies and practices to integrate immigrant and refugee communities' voices and needs into the provision of City services, City decision-making and civic engagement in Portland, and to seek constructive relationships with each member of Council and the City Auditor.

3.131.020 Membership and Staffing.

The Commission shall consist of 25 voting members. All members shall serve without compensation from the City. Appointments to serve on the Commission are for staggered terms of three years. No member may serve more than two 3-year terms. The Commissioner(s)-in-Charge of the New Portlanders Policy Commission recommends, the Mayor nominates, and the Council approves members to the Commission. Members shall be appointed to provide representation from a reasonably broad spectrum of immigrant and refugee communities, striving to include a range of areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the city of Portland. If any member of the Commission is absent more than three regularly scheduled meetings of the Commission during any 12 month period, without having notified the Co-Chairs in advance of such absence, such member shall be deemed to have resigned from the Commission. The member's position shall thereafter be vacant. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commissioner-in-Charge. City Elected Officials may appoint City bureau staff to the Commission as non-voting members. Staffing for the Commission shall be provided, subject to the annual City Budget process.

3.131.030 Purpose.

The purpose of the New Portlanders Policy Commission is to:

- A. Review, develop, evaluate and refine policy and practice recommendations for improving immigrant and refugee community integration in all City activities.

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- B.** Facilitate constructive working partnerships between City leaders and newcomer community leadership.
- C.** Provide a forum for setting integration goals between City bureaus and community organizations.
- D.** Provide technical support and policy advice to City Council offices and City bureaus.
- E.** Serve as a consultant and advocate to local, state and federal agencies on policies impacting immigrant and refugee communities, as capacity allows.
- F.** Provide a report to City Council on policy and practice outcomes on an annual basis.
- G.** Engage in the City's annual budget process.

3.131.040 Organization and Meetings.

The Commission shall adopt bylaws and rules of procedure, and specify procedures for public testimony. The Commission shall elect each year a Chair or Co-Chairs and such other officers as the Commission may from time to time establish. The Commission shall meet at least quarterly, and may meet more often. The Commission Chair(s), in consultation with the Commissioner-in-Charge and the Director of the Bureau staffing the New Portlanders program, or their designee, shall set the agenda for Commission meetings.

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**CHAPTER 3.132 - COMMUNITY
INVOLVEMENT COMMITTEE FOR
LEGISLATIVE PROJECTS UNDER THE
COMPREHENSIVE PLAN.**

(Chapter added by Ordinance No. 188177, effective
January 1, 2018.)

Sections:

- 3.132.010 Purpose.
3.132.020 Membership, Meetings, and Organization.

3.132.010 Purpose.

The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects that implement Portland's Comprehensive Plan. The Committee will:

- A. Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B. Approve and update the Community Engagement Manual over time to reflect emerging best practices.

3.132.020 Membership, Meetings, and Organization.

The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability and confirmed by the City Council. The Committee will consist of at least 5 and no more than 12 members. The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the City of Portland and/or volunteer for a nonprofit within the City of Portland.

- A. **Appointments and Terms.** The Commissioner-in-Charge of the Bureau of Planning and Sustainability shall appoint members of the Community Involvement Committee. Appointment to the Community Involvement Committee shall be for a three-year term, renewable for a second term. If a position is vacated during a term, the Commissioner-in-Charge of the Bureau shall appoint a member to serve for the unexpired term. Members appointed to the Community Involvement Committee serve at the pleasure of the Commissioner-in-Charge of the Bureau of Planning and Sustainability. Members of the Committee may be dismissed at the discretion of the Commissioner-in-Charge.

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- B.** Meetings, Officers, and Subcommittees.
- 1.** The Community Involvement Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with bylaws adopted by the Director of the Bureau of Planning and Sustainability.
 - 2.** The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.
- C.** Attendance. Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from two or more consecutive meetings or more than 50 percent of the meetings in any year.
- D.** Compensation. Community Involvement Committee members shall serve without compensation.

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**CHAPTER 3.133 - RENTAL SERVICES
COMMISSION (RSC)**

(Chapter added by Ordinance No. 188633, effective
October 4, 2017.)

Sections:

- 3.133.010 Rental Services Commission Established.
- 3.133.020 Mission.
- 3.133.030 Duties.
- 3.133.040 Membership.
- 3.133.050 Meetings.
- 3.133.060 Quorum.
- 3.133.070 Chairperson.
- 3.133.080 Committees.
- 3.133.090 Staffing.
- 3.133.100 Cooperation.

3.133.010 Rental Services Commission Established.

There is established in the City of Portland, the Rental Services Commission (RSC). The RSC is designated as the primary public forum for discussion of landlord-tenant housing regulation and programs in the City of Portland.

3.133.020 Mission.

The mission of the RSC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on issues related to landlord-tenant housing regulation and programs, and to provide a forum for public input on the rental housing market.

3.133.030 Duties.

The RSC is delegated to carry out the following functions:

A. Landlord-Tenant Policy Initiatives

1. Advise PHB on landlord-tenant policy issues and initiatives
2. Provide feedback and recommendations on landlord-tenant policy initiatives and policy changes

B. Landlord-Tenant Regulation and Programs

1. Advise PHB on landlord-tenant regulation and programs
2. Monitor PHB landlord-tenant regulation and programs

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3. Advise PHB on the effectiveness of landlord-tenant regulation and programs.
 4. Recommend improvements to PHB's landlord-tenant regulation and programs
 5. Recommend annual performance goals for PHB's landlord-tenant regulation and programs
- C. Budget
1. Advise the Portland Housing Advisory Commission (PHAC), the Housing Commissioner, and City Council on the budget for PHB's landlord-tenant regulation and programs
 2. Provide feedback on landlord-tenant funding priorities
- D. Community Involvement
1. Provide an inclusive forum for the community's discussion of its landlord-tenant housing needs and priorities
 2. Assist PHB in strengthening community partnerships

3.133.040 Membership.

- A. The RSC shall consist of at least 7 members and no more than 13 members.
- B. The Housing Commissioner shall appoint all members.
- C. The Housing Commissioner may designate a staff representative to serve as a non-voting ex officio member.
- D. Membership appointment shall take into account the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the City of Portland.
- E. Membership appointment shall achieve a balanced citizen-based perspective encompassing knowledge of fair housing, rent-regulated and market-rate rental housing, landlord-tenant law, property management, renter-owner advocacy, rental housing access, and rental housing health & safety.
- F. Members shall not simultaneously serve on the PHAC and the RSC.
- G. For the initial appointments to the RSC, the following terms will apply: five to seven members shall be appointed for a term of 2 years; and six to eight members for a term of 3 years.

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- H.** All subsequent appointments to the RSC shall be for terms of 2 years.
- I.** Members shall be eligible to renew their appointment at the discretion of the Housing Commissioner.
- J.** The Housing Commissioner may rescind the appointment of a member if the duties and responsibilities of appointment are not being fulfilled.
- K.** Members shall serve without compensation.
- L.** PHB may approve the reimbursement of reasonable expenses of the appointed members that are incurred while a member is fulfilling authorized duties of the RSC.
- M.** The RSC shall adopt necessary bylaws and rules of procedure for the governance of its proceedings.

3.133.050 Meetings.

The RSC will hold regularly scheduled meetings at least every 2 months, at a schedule established by the RSC.

3.133.060 Quorum.

Quorum shall be defined as one-half plus one of all appointed members. A quorum shall be necessary for the RSC to take any action. Actions of the RSC shall be passed upon a majority vote of the members present.

3.133.070 Chairperson.

A chairperson shall be selected from the appointed members by the Housing Commissioner.

3.133.080 Committees.

- A.** The RSC will have the following standing committees, whose membership shall be determined by the Chairperson and the Housing Commissioner:
 - 1.** Executive Committee
 - 2.** Bylaws and Rules Committee
- B.** The RSC may create non-standing committees and task forces to address issues within the parameters of the RSC's duties and responsibilities.

3.133.090 Staffing.

PHB staff shall be provided for the ongoing functions of the RSC. PHB shall provide notice of RSC meetings to liaison staff representing the other key implementing and policy agencies in the local rental housing delivery system.

3.133.100 Cooperation.

All city boards, bureaus, and agencies of any kind shall cooperate with the RSC and shall provide information at the RSC's request.

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**CHAPTER 3.134 - OFFICE OF THE
PORTLAND CHILDREN'S LEVY**

(Chapter added by Ordinance No. 189192, effective
November 9, 2018.)

Sections:

- 3.134.010 Creation, Organization, and Purpose.
- 3.134.020 Director's Powers and Duties.
- 3.134.030 Duration and Dissolution.

3.134.010 Creation, Organization, and Purpose.

There is established the Office of the Portland Children's Levy. The Office of the Portland Children's Levy shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge. The purpose of the Office of the Portland Children's Levy is to administer the Children's Investment Fund in accordance with the current measure enacted by voters of the City of Portland, Oregon.

3.134.020 Director's Powers and Duties.

The duties of the Director of the Office of the Portland Children's Levy include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council, the Commissioner in Charge, and the tax levy approved by voters to fund the Children's Investment Fund;
- C. Proposing policies and practices to achieve the purpose of the Office, and adopt procedures and forms to assist in implementing City policies.

3.134.030 Duration and Dissolution.

The Office of the Portland Children's Levy shall remain in existence so long as the voters renew the Children's Investment Fund and associated tax levy. In the event the tax levy is not renewed by voters, the Office may exist thereafter only for such reasonable time as is necessary for the orderly closing of affairs of the Children's Investment Fund.

Procurement Services' website at least seven (7) Days before the Contract is Awarded.

5.33.130 Emergency Procurements.

(Amended by Ordinance Nos. 181547, 183445, 189878 and 190835, effective May 25, 2022.)

- A.** The City may Award a Contract as an Emergency Procurement without the use of competitive sealed Bidding or competitive sealed Proposals as authorized by ORS 279B.050(2) when the requirements of ORS 279B.080 and this rule are met.
- B.** The Council, or person authorizing the Emergency Procurement, shall document the nature of the Emergency and describe the method used for the selection of the particular Contractor. The City shall encourage competition for Emergency Procurements to the extent reasonable under the circumstances.
- C.** The Chief Procurement Officer may award, execute, amend, and terminate an Emergency Procurement Contract with authorization from the Commissioner-in-Charge of the City Office, Bureau or Department.
- D.** If the Chief Procurement Officer or person to whom the powers of the Chief Procurement Officer have been delegated is unable to perform the duties of the Chief Procurement Officer position, the director of a City Office, Bureau or Department may award, execute, amend, and terminate an Emergency Procurement Contract with authorization from the Commissioner-in-Charge of the City Office, Bureau or Department.
- E.** For all Emergency Procurement Contracts exceeding \$150,000, the Commissioner-in-Charge shall immediately prepare an ordinance for City Council approval of the Emergency Procurement Contract at its next regularly scheduled session or as soon as possible thereafter.
- F.** If City Council adopts the ordinance, the City will pay for the Work required by the Emergency Procurement Contract. If City Council disapproves the ordinance, the City only will pay for Work performed prior to the date that City Council considered the ordinance for approval. If presentation of the ordinance to City Council is delayed, the City will pay for Work performed prior to the time when the ordinance first was presented to City Council.
- G.** All documentation of Emergency Procurements shall be sent to the Chief Procurement Officer for record keeping purposes.
- H.** Emergency Procurement Contracts, whether or not signed by the Contractor, shall be deemed to contain a termination for convenience clause permitting the City to immediately terminate the Contract at its discretion and, unless the Contract was

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void, the City may pay the Contractor only for Work performed prior to the date of termination and the Contractor's unavoidable costs incurred as a result of the termination. The City shall not be liable for Contractor's anticipated lost profits or consequential damages as a result of the termination.

- I.** For an emergency procurement of construction services that are not public improvements, the City official authorized to execute an Emergency Procurement Contract under this section shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances. In conducting the procurement, the City official authorized to execute an Emergency Procurement Contract under this section shall set a solicitation time period that the City determines to be reasonable under the emergency circumstances and may issue written or oral requests for offers or make direct appointments without competition in case of extreme necessity.
- J.** Notwithstanding the conditions and limitations of Subsections 5.33.130 E. and 5.33.130 F., the Chief Procurement Officer may award, execute, amend, and terminate Emergency Procurement Contracts for Goods that do not exceed \$500,000 when authorized by the Director or Commissioner-in-Charge of the City Office, Bureau or Department requesting an Emergency Procurement Contract. On and after June 30, 2023, this Subsection 5.33.130 J. is repealed.

5.33.135 Declaration of State of Emergency or Disaster.

(Added by Ordinance No. 181547; amended by Ordinance Nos. 183345 and 189878, effective March 4, 2020.)

- A.** When the Mayor or person designated to perform the duties of office of the Mayor ("Designee"), proclaims a State of Emergency or Disaster the Mayor or Designee may, by direct appointment, Award Emergency Procurement Contracts for the acquisition of goods, services, construction services and public improvements for the purpose of responding to the State of Emergency or Disaster. This section does not eliminate the power of any individual otherwise authorized to award or execute contracts under other portions of the City Code.
- B.** The Proclamation of a Disaster or State of Emergency permits the Mayor to execute, amend, and terminate Emergency Procurement Contracts. When a Proclamation of a State of Emergency or Disaster is issued, the City hereby waives the requirement of furnishing sufficient performance and payment bonds for any public improvement contracts or construction services contracts awarded pursuant to this Section when such bonds otherwise would be legally required. Nonetheless, any person authorized to award a contract may make a request for such bonds whenever it appears to be appropriate.
- C.** The Mayor or Designee may delegate the authority to award contracts, in whole or in part, to any appropriate person, to responds to the State of Emergency or Disaster.

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- D.** A written contract is not required, but documentation of contracts awarded pursuant to this section shall be kept to the extent practicable under the circumstances.
- E.** Emergency Procurement Contracts, whether or not signed by the Contractor, shall be deemed to contain a termination for convenience clause permitting the City to immediately terminate the Contract at its discretion and, unless the Contract was void, the City may pay the Contractor only for Work performed prior to the date of termination and the Contractor's unavoidable costs incurred as a result of the termination. The City shall not be liable for Contractor's anticipated lost profits or consequential damages as a result of the termination.
- F.** All documentation of Emergency Procurement Contracts shall be sent to the Chief Procurement Officer for record keeping purposes.
- G.** All Emergency Procurement Contracts Awarded when there was no Emergency or reasonable perception of Emergency are void unless the Emergency Procurement Contract was otherwise valid under another portion of the City's Procurement Rules.
- H.** If an Emergency Procurement Contract is not in writing, the City shall execute a Written Contract with the Contractor as soon as possible thereafter as circumstances permit.

5.33.140 Cooperative Purchasing.

(Amended by Ordinance Nos. 181547, 185898 and 189878, effective March 4, 2020.)

- A.** The City may participate in, sponsor, conduct or administer Joint Cooperative Procurements to establish Contracts or Price Agreements for Goods or Services, as defined in these rules, that use source selection methods substantially equivalent to those set forth in Sections 5.33.200, 5.33.210 or 5.33.220.
- B.** The City may participate in, sponsor, conduct or administer Permissive Cooperative Procurements to establish Contracts or Price Agreements for the acquisition of Goods or Services, as defined in these rules, that use source selection methods substantially equivalent to those set forth in Sections 5.33.200 or 5.33.210.
- C.** The City may participate in, sponsor, conduct or administer Interstate Cooperative Procurements to establish Contracts or Price Agreements for the acquisition of Goods or Services, as defined in these rules, that use source selection methods substantially equivalent to those set forth in Sections 5.33.200 or 5.33.210.
- D.** A Solicitation and Award process uses source selection methods substantially equivalent to those identified in Sections 5.33.200, 5.33.210 or 5.33.220 if the Solicitation and Award process:

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1. Calls for Award of a Contract on the basis of a lowest Responsible Bidder or a lowest and best Bidder determination in the case of Competitive Bids, on the basis of a determination of the Proposer whose Proposal is most Advantageous based on evaluation factors set forth in the Request for Proposals in the case of competitive Proposals;
 2. Does not permit the application of any geographic preference that is more favorable to Bidders or Proposers who reside in the jurisdiction or locality favored by the preference than the preferences provided in ORS 279A.120(2); and
 3. Uses reasonably clear and precise Specifications that promote suitability for the purposes intended and that reasonably encourage competition.
- E.** The City shall determine, in Writing, whether the Solicitation and Award process for an Original Contract arising out of a Cooperative Procurement is substantially equivalent to those identified in Sections 5.33.200, 5.33.210 or 5.33.220 in accordance with Section 5.33.140.
- F.** Protests. Protests regarding the use of all types of Cooperative Procurements shall be governed by the applicable provisions of Section 5.33.700 et seq.

5.33.145 Rules on all types of Cooperative Procurements.

(Amended by Ordinance Nos. 183445 and 185898, effective February 20, 2013.)

- A.** If the City is the Administering Contracting Agency, then:
1. It may charge a fair and reasonable fee to purchasing Contract agencies that represent the excess costs of administering the Contract in light of the Purchasing Contracting Agencies use of that Contract; and
 2. Determine whether the purchasing Contract agency must enter into a Written agreement with it.
- B.** If the City is a Purchasing Contracting Agency it is authorized to pay a fee to the Administering Contracting Agency that the Chief Procurement Officer determines is fair and reasonable in light of all the circumstances surrounding the Procurement, including the savings that may be obtained if a Cooperative Procurement is used, the cost of the Procurement in relationship to the fee, and other factors as may be considered. If a fee is paid, it will be borne by the Bureau or portion of the City on whose behalf the Procurement is being made.
- C.** Cooperative procurements are subject to the requirements of Section 5.33.105 in regard to service contracts in excess of \$250,000.

5.33.150 Joint Cooperative Procurements.

(Amended by Ordinance Nos. 181547 and 185898, effective February 20, 2013.)

- A.** A Joint Cooperative Procurement is a Cooperative Procurement in which the governmental bodies or the Cooperative Procurement Group and the bodies' or Group's Contract requirements or estimated Contract requirements for Price Agreements are identified in the Solicitation Document.
- B.** A Joint Cooperative Procurement is valid only if:
 - 1.** The conditions of Subsection 5.33.140 B. are met;
 - 2.** The Administering Contracting Agency's Solicitation and the Original Contract or Price Agreement identifies the Cooperative Procurement group or each participating Purchasing Contracting Agency and specifies the estimated Contract requirements; and
 - 3.** No material change is made in the terms, conditions or prices of the Contract between the Contractor and the Purchasing Contracting Agency from the terms, conditions and prices of the Original Contract between the Contractor and the Administering Contracting Agency.
- C.** A Joint Cooperative Procurement may not be a Permissive Cooperative Procurement.

5.33.160 Permissive Cooperative Procurements.

(Amended by Ordinance Nos. 185065, 185898 and 187373, effective October 14, 2015.)

- A.** A Permissive Cooperative Procurement is a Cooperative Procurement in which the Purchasing Contracting Agencies are not identified in the Solicitation Document.
- B.** The City may enter into a Permissive Cooperative Procurement if:
 - 1.** The conditions of Subsection 5.33.140 B. are met;
 - 2.** The Administering Contracting Agency's Solicitation and Award process for the original Contract allows other governmental bodies to establish contracts or price agreements under the terms, conditions and prices of the original contract;
 - 3.** The Contractor agrees to extend the terms, conditions and prices of the original contract to the Purchasing Contractor Agency; and
 - 4.** No material change is made in the terms, conditions or prices of the contract or price agreement between the Contractor the Purchasing Contracting

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Agency from the terms, conditions and prices of the original contract between the Contractor and the Administering Contracting Agency.

- C. If the City wishes to enter into a Contract or Price Agreement arising out of a Permissive Cooperative Procurement it must publish notice of its intent to do so if it is estimated that the City will spend in excess of \$250,000, on Goods and Services acquired under the Contract or Price Agreement.
- D. For purposes of determining whether the City must give notice of intent to establish a Contract through a Permissive Cooperative Procurement, as required by ORS 279A.215(2)(a), the estimated amount of procurement will exceed \$250,000 if:
 - 1. The City's Contract or Price Agreement arising out of the Permissive Cooperative Procurement expressly provides that the City will make payments over the term of the Contract or Price Agreement that will, in aggregate, exceed \$250,000, whether or not the total amount or value of the payments is expressly stated;
 - 2. The City's Contract or Price Agreement arising out of the Permissive Cooperative Procurement expressly provides for payment, whether in a fixed amount or up to a stated maximum amount, that exceeds \$250,000; or
 - 3. The City reasonably contemplates, based on historical or other data available to the Purchasing Contracting Agency, that the total payments it will make for Goods or Services under the Contract or Price Agreement will, in aggregate, exceed \$250,000 over the anticipated duration of the Contract or Price Agreement.
- E. The notice of intent required by this rule shall contain the following information:
 - 1. A description of the Procurement;
 - 2. An estimated amount of the Procurement;
 - 3. The name of the Administering Contracting Agency; and
 - 4. A time, place and date by which comments must be submitted to the City regarding the intent to establish a Contract or Price Agreement through a Permissive Cooperative Procurement;
- F. Time: The City shall advertise the notice in the same manner as provided in Subsection 5.33.300 A. The City shall give the notice required by this rule no fewer than seven (7) Days before the deadline for submitting comments regarding its intention to establish a Contract or Price Agreement through a Permissive Cooperative Procurement.

- G.** An Administering Contracting Agency that intends to establish a Contract or Price Agreement arising out of the Permissive Cooperative Procurement it administers may satisfy the notice requirements set forth in ORS 279A.215(2)(a) by including the information required by Subsection 5.33.160 D., in the Solicitation Document related to the Permissive Cooperative Procurement, and including instructions in the Solicitation Document to potential Offerors describing how they may submit comments in response to the Administering Contracting Agency's intent to establish a Contract or Price Agreement through the Permissive Cooperative Procurement. The content and timing of such notice shall comply in all respects with ORS 279A.215(2), ORS 279A.215(3) and these Rules.
- H.** If the City receives comments on the intent to establish a Contract or Price Agreement through a Permissive Cooperative Procurement, the City shall make a Written determination that establishing a Contract or Price Agreement is in the best interest of the City before executing the Contract or using the Price Agreement.

5.33.170 Interstate Cooperative Procurements.

(Amended by Ordinance Nos. 181547 and 185898, effective February 20, 2013.)

- A.** An Interstate Cooperative Procurement is a Permissive Cooperative Procurement in which the Administering Contracting Agency is a governmental body, domestic or foreign, that is authorized under the governmental body's laws, rule or regulations to enter into Contracts and in which one or more of the participating governmental bodies are located outside the State of Oregon.
- B.** The City may procure Goods and Services through an Interstate Cooperative Procurement if:

 - 1.** The Conditions of Subsection 5.33.140 B. are met;
 - 2.** The Administering Contracting Agency's Solicitation and the Original Contract allows other governmental bodies to establish Contracts or Price Agreements under the terms, conditions and prices of the Original Contract; and
 - 3.** The Administering Contracting Agency permits the Contractor to extend the use of the terms, conditions and prices of the Original Contract to the Purchasing Contracting Agency; and
 - 4.** The City:

 - a.** was listed in the Solicitation of the Administering Contract Agency as a party that may establish Contracts or Price Agreements under the terms, conditions and prices of the Original Contract and the Solicitation was advertised in Oregon, or

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- b. is a member of a Cooperative Procurement Group and the Group was listed in the Solicitation of the Administering Contracting Agency as a party that may establish Contracts or Price Agreements under the terms, conditions and prices of the Original Contract and the Solicitation was advertised in Oregon; or
 - c. publishes a Notice of intent to establish a Contract or Price Agreement in the manner required by Subsection 5.33.170 C. below.
- C. Notice of Intent. If the City is required by this rule to publish a notice of intent to establish a Contract or Price Agreement through an Interstate Cooperative Procurement, the notice shall include:
 - 1. A description of the proposed Procurement;
 - 2. An estimated amount of the proposed Procurement;
 - 3. The name of the Administering Contracting Agency; and
 - 4. A time, place and date by which comments must be submitted to the City regarding its intent to establish a Contract or Price Agreement through an Interstate Cooperative Procurement.
- D. The City shall give public notice at least seven (7) Days before the deadline for submission of comments regarding its intent to establish a Contract or Price Agreement through an Interstate Cooperative Procurement.
- E. If the City receives comments within seven (7) Days after publication of its notice, the City shall make a Written determination that establishing a Contract or Price Agreement through an Interstate Cooperative Procurement is in the best interest of the City and provide a copy of the Written determination to any vendor that submitted comments before a Contract or Price Agreement may be established.

5.33.180 Small Procurements.

(Amended by Ordinance Nos. 183445 and 187974, effective September 7, 2016.)

- A. For Procurements of Goods and Services not exceeding \$10,000 the City may Award a Contract as a Small Procurement pursuant to ORS 279B.065 and this rule. The City may choose any method of selecting such Contractors, including, but not limited to, offering the Contract to only one firm or conducting a competition for the Contract.
- B. State law prohibits a Procurement from being artificially divided or fragmented so as to constitute a small Procurement under this section.

- C. Notwithstanding any other provisions of the City Code, small Procurements shall not be amended beyond \$10,000 without prior approval of the Chief Procurement Officer before the additional Goods or Services are provided.

5.33.190 Intermediate Procurements.

(Amended by Ordinance No. 189878, effective March 4, 2020.)

- A. Generally. For Procurements of Goods and Services not exceeding a Contract Amount of \$150,000, the City may Award a Contract as an Intermediate Procurement pursuant to ORS 279B.070. A Procurement shall not be artificially divided or fragmented so as to constitute an intermediate Procurement under this section.
 - 1. Oral Bids: For Procurement of Goods and Services not exceeding \$50,000, the City may Award a Contract after seeking three oral or Written Bids.
 - 2. Written Bids: For Procurements of Goods or Services anticipated to exceed \$50,000 but not exceeding \$150,000, the City may Award a Contract after seeking three Written Bids.
 - 3. Written Proposals Only: For Procurements of Goods and Services of any dollar amount not exceeding \$150,000, the City may Award a Contract after seeking three Proposals. All Proposals must be in writing; the City may not seek oral Proposals.
- B. For all Intermediate Procurements, the City shall seek at least three informally solicited competitive Bids or competitive Proposals from prospective Contractors, and shall keep Written records of the sources of the Bids or Proposals received. If three Bids or Proposals are not reasonably available, the City may proceed with the Procurement but only after making a Written record of the effort made to obtain the Bids or Proposals.
- C. Negotiations: The City may negotiate with an Offeror to clarify its Bid or Proposal or to effect modifications that will make the Bid or Proposal acceptable or more Advantageous to the City, provided that all Offerors contacted are offered the same opportunity in order to compete on the same basis.

5.33.200 Competitive Sealed Bidding.

(Amended by Ordinance Nos. 183445, 185898 and 189878, effective March 4, 2020.)

- A. The City may procure Goods and Services by Competitive Sealed Bidding as set forth in ORS 279B.055. An Invitation to Bid (ITB) is used to initiate a competitive sealed Bid Solicitation and shall contain the information required by Subsection 5.33.200 B. Public Notice of the Competitive Sealed Bidding Solicitation shall be provided as required by Section 5.33.300.

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B. Invitation to Bid. The ITB shall include the following:

1. General Information.

- a.** A time and date by which the Bids must be received as well as a location at which the Bids must be submitted;
- b.** The name and title of the person designated for the receipt of Bids and the person designated by the City as the contact person for the Procurement, if different;
- c.** A Procurement description;
- d.** A time, date, and place that Prequalification applications, if any, must be filed and the classes of Work, if any, for which Bidders must be prequalified in accordance with ORS 279B.100 and Section 5.33.510;
- e.** A statement that the City may cancel the Procurement or reject any or all Bids in accordance with ORS 279B.100 and Section 5.33.645;
- f.** A statement that requires the Contractor or Subcontractor to possess an asbestos abatement license, if required under ORS 468A.710;
- g.** All Contractual terms and conditions applicable to the Procurement;
- h.** Notice of any pre-Offer conference as follows:
 - (1)** The time, date and location of any pre-Offer conference; and
 - (2)** Whether attendance at the conference will be mandatory or voluntary; and
 - (3)** That statements made by the City's representatives at the conference or elsewhere are not binding upon the City unless confirmed by Written Addendum;
- i.** The form and submission of Offers and any other special information, e.g., whether Offers may be submitted by Electronic means;
- j.** The scheduled Closing;
- k.** The location where the Specifications for the Goods or Services may be reviewed;

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- l.** A statement that each Bidder to an ITB must identify whether the Bidder is a “Resident Bidder,” as defined in Subsection 5.33.010 A. 75.;
 - m.** Bidder’s certification of nondiscrimination in obtaining required Subcontractors in accordance with ORS 279A.110(4). (See Section 5.33.075); and
 - n.** How the City will notify Offerors of Addenda and how the City will make Addenda available. See Section 5.33.430; and
 - o.** That Bidders may be required to obtain a Business tax registration account and are required to be EEO/EB certified.
 - p.** If the City intends to Award Contracts to more than one Bidder, the City must identify in the Solicitation Document the manner in which it will determine the number of Contracts it will Award. The criteria shall require the City to purchase the lowest priced Goods or Services available from the multiple Contracts.
- 2.** City Need to Purchase. The character of the Goods or Services the City is purchasing including, if applicable, a description of the acquisition, Specifications, delivery or performance schedule, inspection and acceptance requirements. The City’s description of its need to purchase must:
 - a.** Identify the scope of the work to be performed under the resulting contract, if the City awards one;
 - b.** Outline the anticipated duties of the Contractor under any resulting contract;
 - c.** Establish the expectations for the contractor’s performance of any resulting contract; and
 - d.** Unless the City, for Good Cause specifies otherwise, the scope of work must require the contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the Goods or Services that the City is purchasing.
- 3.** Evaluation process.
 - a.** The anticipated Solicitation schedule, deadlines, protest process, and evaluation process, if any;

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- b. Evaluation criteria, including the relative value applicable to each criterion, that the City will use to determine the Responsible Bidder with the lowest Responsive Bid and the evaluation criteria the City will use to determine acceptability of any Goods or Services to be purchased;
 - c. The City shall set forth objective evaluation criteria in the Solicitation Document in accordance with the requirements of ORS 279B.055(6)(a). Evaluation criteria need not be precise predictors of actual future costs, but to the extent possible, such evaluation factors shall be reasonable estimates based on information the City has available concerning future use.
- 4. Preference for Goods manufactured from Recycled Materials under Section 5.33.080 and ORS 279A.125;
 - 5. Unless otherwise provided in the Contract, the Contractor shall not assign, sell, dispose of, or transfer rights, nor delegate duties under the Contract, either in whole or in part, without the City's prior Written consent. Unless otherwise agreed by the City in Writing, such consent shall not relieve the Contractor of any obligations under the Contract. Any assignee or transferee shall be considered the agent of the Contractor and be bound to abide by all provisions of the Contract. If the City consents in Writing to an assignment, sale, disposal or transfer of the Contractor's rights or delegation of Contractor's duties, the Contractor and its surety, if any, shall remain liable to the City for complete performance of the Contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the City otherwise agrees in Writing.
 - 6. All Contractual terms and conditions in the form of Contract provisions the City determines are applicable to the Procurement. As required by state law, the contract terms and conditions must specify the consequences of the Contractor's failure to perform the scope of work or to meet the performance standards established by the resulting Contract. Those consequences may include, but are not limited to:
 - a. The City's reduction or withholding of payment under the Contract;
 - b. The City's right to require the Contractor to perform, at the Contractor's expense, any additional work necessary to perform the statement of work or to meet the performance standards established by the resulting Contract; and
 - c. The City's rights, which the City may assert individually or in combination, to declare a default of the resulting Contract, to

terminate the resulting Contract, and to seek damages and other relief available under the resulting Contractor or applicable law.

5.33.205 Multi-Step Sealed Bidding.

(Amended by Ordinance Nos. 185065 and 185898, effective February 20, 2013.)

- A.** General. The City may use multi-step Competitive Sealed Bidding pursuant to ORS 279B.055(12).
- B.** Phased Process. Multi-step Bidding is a phased Procurement process which seeks necessary information or un-priced submittals in phase one combined with regular competitive sealed Bidding, inviting Offerors who submitted technically eligible submittals in phase one, to submit competitive sealed price Bids in phase two. The Contract must be Awarded to the lowest Responsible Bidder.
- C.** Public Notice. When the City uses multi-step sealed Bids for Contracts over \$150,000, Public Notice for phase one shall be given in accordance with Section 5.33.300. Public Notice is not required for phase two. However, the City shall give notice of subsequent phases to all Bidders and inform Bidders of the right to protest Addenda issued after the initial Closing pursuant to Section 5.33.430 and inform Bidders excluded from the subsequent phases of the right, if any, to protest their exclusion pursuant to Section 5.33.720.
- D.** Procedures Generally. In addition to the procedures set forth in Sections 5.33.300 through 5.33.340, the City shall use the procedures set forth in this rule for multi-step Bidding and in the Invitation to Bid.
- E.** Procedure for Phase One of Multi-Step Sealed Bidding.
 - 1.** Form. The City shall initiate multi-step sealed Bidding by issuing an Invitation to Bid in the form required for competitive sealed Bids except as provided in this rule. In addition to the requirements of Subsection 5.33.200 B., the multi-step Invitation to Bid must state:
 - a.** That the solicitation is a multi-step sealed Bid Procurement and describe the process the City will use to conduct the Procurement;
 - b.** That the City requests un-priced submittals and that the City will consider priced Bids only in phase two and only from those Bidders whose un-priced submittals are found eligible in phase one;
 - c.** Whether Bidders must submit priced Bids at the same time as un-priced submittals and, if so, that Bidders must submit the priced Bids in a separate sealed envelope; and
 - d.** The criteria to be used in the evaluation of un-priced submittals;

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2. Evaluation. The City shall evaluate un-priced submittals in accordance with the criteria set forth in the Invitation to Bid.
- F.** Revisions to Solicitation Specifications. After Closing of phase one, the City may issue Addenda that modify the Specifications for the Goods or Services being procured or that modify other terms and conditions of the Invitation to Bid. The City shall provide such Addenda to all Bidders who initially submitted un-priced technical Bids. The City may then require Bidders to submit revised un-priced technical Bids.
- G.** Procedure for Phase Two.
1. After the completion of Phase One, if the City does not cancel the Solicitation, the City shall invite each eligible Bidder to submit a priced Bid.
 2. Conduct. Phase Two shall be conducted as any other competitive sealed Bid Procurement except:
 - a. as specifically set forth in this rule or the Invitation to Bid; and
 - b. no public notice need be given of the invitation to submit priced Bids because such notice was previously given.

5.33.210 Competitive Sealed Proposals, (RFP's).

(Amended by Ordinance Nos. 183445, 185065, 185898 and 189878, effective March 4, 2020.)

- A.** The City may procure Goods and Services by Competitive Sealed Proposals as set forth in ORS 279B.060 and this rule. The City shall use a Request for Proposal to initiate a competitive sealed Proposal Solicitation. The Request for Proposal must contain the information required by ORS 279B.060(2) and Paragraph B. of this rule. The City shall provide Public Notice of the Competitive Sealed Proposal Solicitation as provided in Section 5.33.300.
- B.** Mandatory provisions in RFP Solicitation Documents. The RFP must include the following:
1. General Information.
 - a. A time, date and location when the sealed Proposals must be submitted and received;
 - b. The name and title of the person designated for the receipt of Proposals and the person designated by the City as the contact person for the Procurement, if different;

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- c. A Procurement description;
- d. A time, date, and place that Prequalification applications, if any, must be filed and the classes of Work, if any, for which Proposers must be prequalified in accordance with ORS 279B.100 and Section 5.33.510;
- e. A statement that the City may cancel the Procurement or reject any or all Proposals in accordance with ORS 279B.100 and Section 5.33.645;
- f. A statement that requires the Contractor or Subcontractor to possess an asbestos abatement license, if required under ORS 468A.710;
- g. All Contractual terms and conditions applicable to the Procurement, including warranties and bonding requirements, if necessary. If the City intends to allow discussions or negotiations regarding terms and conditions it must either specify the terms and conditions subject to negotiation or the subject matter reasonably related to the terms and conditions that it will negotiate;
- h. Notice of any pre-Offer conference as follows:
 - (1) The time, date and location of any pre-Offer conference; and
 - (2) Whether attendance at the conference will be mandatory or voluntary; and
 - (3) That statements made by the City's representatives at the conference or elsewhere are not binding upon the City unless confirmed by Written Addendum;
- i. The form and submission of Offers and any other special information, (e.g., whether Offers may be submitted by Electronic means);
- j. The scheduled Closing;
- k. The location where the Specifications for the Goods or Services may be reviewed;
- l. Contractor's certification of nondiscrimination in obtaining required Subcontractors in accordance with Section 5.33.075; and
- m. How the City will notify Offerors of Addenda and how the City will make Addenda available.

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- n. The successful proposer moving forward from the solicitation phase to the contract phase will be required to be in compliance with all City contracting requirements;
 - o. If the City intends to Award Contracts to more than one Proposer, the City must identify in the Solicitation Document the manner in which it will determine the number of Contracts it will Award. The criteria shall require the City to purchase the Goods and Services considered most advantageous to the City available from the multiple Contracts;
2. City Need to Purchase. The character of the Goods or Services the City is purchasing including, if applicable, a description of the acquisition, Specifications, delivery or performance schedule, inspection and acceptance requirements. As required by ORS 279B.060(2)(c) the City's description of its need to purchase must:
- a. Identify the scope of the work to be performed under the resulting Contract, if the City awards one;
 - b. Outline the anticipated duties of the Contractor under any resulting Contract;
 - c. Establish the expectations for the Contractor's performance of any resulting contract; and
 - d. Unless the contractor under any resulting Contract will provide architectural, engineering, photogrammetric mapping, transportation, planning or land surveying services, or related services that are subject to ORS 289C.100 to 279C.125, or the City for Good Cause specifies otherwise, the scope of work must require the Contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the Goods or Services that the City is purchasing.
3. Proposal and Evaluation process.
- a. The anticipated Solicitation schedule, deadlines, protest process, and evaluation process, if any;
 - b. The City shall set forth selection criteria in the Solicitation Document in accordance with the requirements of Section 5.33.210. Evaluation factors need not be precise predictors of actual future costs and performance, but to the extent possible, such factors shall be reasonable estimates based on information available to the City;

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- c. If the City’s solicitation process calls for the City to establish a Competitive Range, the City shall generally describe, in the Solicitation Document, the criteria or parameters the City will apply to determine the Competitive Range. The City may increase or decrease the number of Proposers in the Competitive Range in accordance with Subsection 5.33.211 F.1.b.
4. Applicable preferences, including those described in ORS 279A.120, ORS 279A.125(2) and ORS 279A.128 and Sections 5.33.080 and 5.33.085.
5. All Contractual terms and conditions in the form of Contract provisions the City determines are applicable to the Procurement. The City’s determination of contractual terms and conditions that are applicable to the Procurement may take into consideration, as authorized by ORS 279B.060(3), those contractual terms and conditions the City will not include in the Request for Proposal because the City either will reserve them for negotiation, or will request Proposers to offer or suggest those terms or conditions.
6. As required by ORS 279B.060(2)(h), the Contract terms and conditions must specify the consequences of the Contractor’s failure to perform the scope of work or to meet the performance standards established by the resulting contract. Those consequences may include, but are not limited to:
 - a. The City’s reduction or withholding of payment under the Contract;
 - b. The City’s right to require the contractor to perform, at the contractor’s expense, any additional work necessary to perform the statement of work or to meet the performance standards established by the resulting Contract; and
 - c. The City’s rights, which the City may assert individually or in combination, to declare a default of the resulting contract, to terminate the resulting Contract, and to seek damages and other relief available under the resulting Contractor or applicable law.
7. The City may include the applicable contract terms and conditions in the form of Contract provisions, or legal concepts to be included in the resulting Contract. Further, the City may specify that it will include or use Proposers’ terms and conditions that have been pre-negotiated, but the City may only include those terms and conditions in the resulting Contract to the extent those terms and conditions do not materially conflict with the applicable contractual terms and conditions. The City shall not agree to any Proposer’s terms and conditions that were expressly rejected in a solicitation protest filed by the Proposer.

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8. For multiple Award Contracts the City may enter into Contracts with different terms and conditions with each Contractor to the extent those terms and conditions do not materially conflict with the applicable contractual terms and conditions. The City shall not agree to any Proposer's terms and conditions that were expressly rejected in a solicitation protest filed by the Proposer.
- C. Good Cause. For the purposes of this rule, "Good Cause" means a reasonable explanation for not requiring Contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the Goods or Services under the Contract, and may include an explanation of circumstances that support a finding that the requirement would unreasonably limit competition or is not in the best interest of the City. The City shall document in the Procurement file the basis for the determination of Good Cause for specifying otherwise. The City will have Good Cause to specify otherwise when the City determines:
1. The purpose to which the Goods or Services will be used does not justify a requirement that the Contractor meet the highest prevalent standards in performing the contract;
 2. Imposing express technical, standard, dimensional or mathematical specifications will better ensure that the Goods or Services will be compatible with or will operate efficiently or effectively with components, equipment, parts, Services or information technology including hardware, Services or software with which the Goods or Services will be used, integrated, or coordinated;
 3. The circumstances of the industry or business that provides the Goods or Services are sufficiently volatile in terms of innovation or evaluation of products, performance techniques, scientific developments, that a reliable highest prevalent standard does not exist or has not been developed.
 4. That other circumstances exist in which City's interest in achieving economy, efficiency, compatibility or availability in the procurement of the Goods or Services reasonably outweighs the City's practical need for the highest prevalent standard if the applicable or closest industry or business that supplies the Goods or Services to be delivered under the resulting Contract.

5.33.211 Procedures for Competitive Range, Multi-Tiered and Multi-Step Proposals.

(Amended by Ordinance Nos. 183445, 185065, 185898 and 189878, effective March 4, 2020.)

- A. Generally. The City may use any combination of the methods of Contractor selection as set forth in ORS 279B.060 and this rule to procure Goods and Services.

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In addition to the procedures set forth in Sections 5.33.210 through 5.33.211 for methods of Contractor selection, the City may provide for a multi-tiered, or multi-step selection process that permits award to the highest ranked Proposer at any time or step, calls for the establishment of a Competitive Range or permits either serial or competitive simultaneous discussions with one or more Proposers. The City may use one or more or any combination of the procedures set forth in this rule for Competitive Range, multi-tiered and multi-step Proposals.

- B.** ORS 279B.060(3)(d), (e) and (8) authorize the City to use methods of Contractor selection that include, but are not limited to multi-tiered or multi-step processes that embrace:
1. The evaluation of Proposals only, including the evaluations of serial Proposals (a series of more than one Proposal from each Proposer that remains eligible in the competition at the particular tier of the competition;
 2. The use of Proposals in connection with discussions with Proposers that lead to best and final Offers;
 3. The use of Proposals in connection with serial negotiations with Proposers that lead to best and final Offers or to the Award of a Contract.
 4. The use of Proposals in connection with competitive negotiations with Proposers that lead to best and final Offers or to the Award of a Contract; and
 5. The use of Proposals in multi-tiered competition designed to identify, at each stage of the competition, a class of Proposers that fall within a Competitive Range of Proposers that have a reasonable chance of being determined the most Advantageous Proposer or, in multiple-award situations, a reasonable chance of being determined an awardee of a Public Contract. Multi-tiered and multistep competitions may use any combination or series of Proposals, discussions, negotiations, demonstrations, offers, or other means of soliciting information from Proposers that bear on the selection of a Contractor or Contractors. In multi-tiered and multi-step competitions, the City may use these means of soliciting information from prospective Proposers in any sequence or order, as determined in the discretion of the City.
- C.** When the City's Request for Proposals prescribes a multi-tiered or multi-step Contractor selection process, the City nevertheless may, at the completion of any stage in the competition and on determining the Most Advantageous Proposers (or, in multiple-award situations, on determining the awardees of the public Contracts), award a Contract (or Contracts) and conclude the Procurement without proceeding

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to subsequent stages. The City also may, at any time, cancel the Procurement pursuant to ORS 279B.100 and this Code.

- D.** Exclusion Protest. The City may provide before the notice of an intent to Award an opportunity for a Proposer to protest exclusion from the Competitive Range or from subsequent phases of multi-tiered or multi-step sealed Proposals as set forth in Section 5.33.720.
- E.** Award Protest. The City shall provide an opportunity to protest its intent to Award a Contract pursuant to ORS 279B.410 and Section 5.33.740. An Affected Offeror may protest, for any of the bases set forth in Section 5.33.720, its exclusion from the Competitive Range of a multi-tiered or multi-step sealed Proposal process, or may protest an Addendum issued following initial Closing, if the City did not previously provide Proposers the opportunity to protest the exclusion or Addendum. The failure to protest shall be considered the Proposer's failure to pursue any administrative remedy made available to the Proposers by the City.
- F.** Competitive Range. When the City's Solicitation process conducted pursuant to Section 5.33.210 calls for the City to establish a Competitive Range at any stage in the Procurement process, the City may do so as follows:
 - 1.** Determining Competitive Range.
 - a.** The City may establish a Competitive Range after evaluating all Responsive Proposals in accordance with the evaluation criteria in the Request for Proposals. After evaluation of all Proposals in accordance with the criteria in the Request for Proposals, the City may determine and rank the Proposers in the Competitive Range. Notwithstanding the foregoing, however, in instances in which the City determines that a single Proposer has a reasonable chance of being determined the most Advantageous Proposer, the City need not determine or rank Proposers in the Competitive Range. In addition, the City may establish a Competitive Range of all Proposers to enter into discussions to correct deficiencies in Proposals.
 - b.** The City may establish the number of Proposers in the Competitive Range in light of whether the City's evaluation of Proposals identifies a number of Proposers who have a reasonable chance of being determined the most Advantageous Proposer, or whether the evaluation establishes a natural break in the scores of Proposers that indicates that a particular number of Proposers are closely competitive, or have a reasonable chance of being determined the most Advantageous Proposer.

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2. **Protesting Competitive Range.** The City shall provide Written notice to all Proposers identifying Proposers in the Competitive Range. The City may provide an opportunity for Proposers excluded from the Competitive Range to protest the City evaluation and determination of the Competitive Range in accordance with Section 5.33.720.

G. Discussions.

1. The City may initiate oral or Written discussions with all “eligible Proposers” on the subject matter within the general scope of the Request for Proposals.
 - a. In conducting discussions, the City:
 - (1) Shall treat all eligible Proposers fairly and shall not favor any eligible Proposer over another;
 - (2) May disclose other eligible Proposers’ Proposals or discussions only in accordance with ORS 279B.060(8)(b) or (c);
 - (3) May adjust the evaluation of a Proposal as a result of a discussion under this section discussions. The conditions, terms, or price of the Proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the Scope of the Request for Proposals.
 - b. At any time during the time allowed for discussions, the City may:
 - (1) Continue discussions with a particular eligible Proposer;
 - (2) Terminate discussions with a particular eligible Proposer and continue discussions with other eligible Proposers; or
 - (3) Conclude discussions with all remaining eligible Proposers and provide to the then-eligible Proposers, notice pursuant to Subsection 5.33.211 J. requesting best and final Offers.

H. Negotiations.

1. The City may commence serial negotiations with the highest-ranked eligible Proposer or commence simultaneous negotiations with all eligible Proposers:
 - a. The City may negotiate:

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- (1)** The statement of work;
 - (2)** The Contract Price as it is affected by negotiating the statement of work other terms and conditions authorized for negotiation in the Request for Proposals or Addenda thereto; and
 - (3)** Any other terms and conditions reasonably related to those authorized for negotiation in the Request for Proposals or Addenda thereto. Proposers shall not submit for negotiation, and the City shall not accept, alternative terms and conditions that are not reasonably related to those authorized for negotiation in the Request for Proposals.
- I.** Terminating Negotiations. At any time during discussions or negotiations that the City conducts under this rule the City may terminate discussions or negotiations with the highest-ranked Proposer, or the eligible Proposer with whom it is currently discussing or negotiating, if the City reasonably believes that:
 - 1.** The eligible Proposer is not discussing or negotiating in good faith; or
 - 2.** Further discussions or negotiations with the eligible Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner.
 - 3.** Continuing Serial Negotiations. If the City is conducting serial negotiations and the City terminates negotiations with an eligible Proposer, the City may then commence negotiations with the next highest scoring eligible Proposer in the Competitive Range, and continue the sequential process described in Subsection 5.33.211 H. until the City has either:
 - a.** Determined to Award the Contract to the Proposer with whom it is currently discussing or negotiating; or
 - b.** Decided to cancel the Procurement pursuant to ORS 279B.100.
 - 4.** Competitive Simultaneous Negotiations. If the City chooses to conduct Competitive Negotiations, the City may negotiate simultaneously with competing Proposers. The City:
 - a.** Shall treat all Proposers fairly and shall not favor any Proposer over another;
 - b.** May disclose other Proposers' Proposals or the substance of negotiations with other Proposers only if the City notifies all of the Proposers with whom the City will engage in negotiations of the

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City's intent to disclose before engaging in negotiations with any Proposer.

5. Any oral modification of a Proposal resulting from negotiations under this Section must be reduced to Writing by the Proposer.

- J. **Best and Final Offers.** If best and final Offers are required, the City shall establish a common date and time by which eligible Proposers must submit best and final Offers. If the City is dissatisfied with the best and final Offers the City may make a Written determination that it is in the City's best interest to conduct additional discussions, negotiations or change the City's requirements and require another submission of best and final Offers. The City shall inform all eligible Proposers that if they do not submit notice of withdrawal or another best and final Offer, their immediately previous Offer will be construed as their best and final Offers. The City shall evaluate Offers as modified by the best and final Offer. The City shall conduct the evaluations as described in Section 5.33.610. The City may not modify evaluation factors or their relative importance after the date and time that best and final Offers are due.

- K. **Multi-step Sealed Proposals.** The City may procure Goods and Services by using multi-step Competitive Sealed Proposals pursuant to ORS 279B.060 (8)(b)(g).

The use of multi-step Proposals is a phased process that seeks necessary information, or un-priced technical Proposals, in phase one and in the second phase, invites Proposers who submitted technically qualified Proposals, to submit competitive sealed price Proposals on the technical Proposals. The City must award the Contract to the Responsible Proposer submitting the most Advantageous Proposal in accordance with the terms of the Solicitation Document applicable to the second phase.

1. **Public Notice.** Whenever the City uses multi-step sealed Proposals for Contracts over \$150,000, the City shall give Public Notice for phase one in accordance with Section 5.33.300. Public Notice is not required for phase two. However, the City shall give notice of the subsequent phases to all Proposers and inform any Proposers excluded from the subsequent phases of the right, if any, to protest exclusion pursuant to Section 5.33.720.

2. **Procedure for Phase One of Multi-Step Sealed Proposals.** The City must initiate a multi-step sealed Proposals procurement by issuing a Request for Proposal in the form and manner required for competitive sealed Proposals except as provided by this rule. In addition to the requirements set forth in Section 5.33.210, the multi-step Request for Proposal must state:
 - a. that un-priced technical Proposals are requested;

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- b. that the Solicitation is a multi-step sealed Proposal Procurement, and that, in the second phase, priced Proposals will be accepted only from those Proposers whose un-priced technical Proposals are found qualified in phase one;
 - c. the criteria for the evaluation of un-priced technical Proposals; and
 - d. that the Goods or Services being procured shall be furnished generally in accordance with the Proposer's technical Proposal as found to be finally qualified and shall meet the requirements of the Request for Proposals.
- 3. Addenda to the Request for Proposals. After receipt of un-priced technical Proposals, Addenda to the Request for Proposal shall be distributed only to Proposers who submitted un-priced technical Proposals.
- 4. Receipt and Handling of Un-priced Technical Proposals. Un-priced technical Proposals need not be opened publicly.
- 5. Evaluation of Un-Priced Technical Proposals. The un-priced technical Proposals submitted by Proposers shall be evaluated solely in accordance with the criteria set forth in the Request for Proposals.
- 6. Discussion of Un-priced Technical Proposals. The City may seek clarification of a technical Proposal of any Proposer who submits a qualified, or potentially qualified, technical Proposal. During the course of such discussions, the City shall not disclose any information derived from one un-priced technical Proposal to any other Proposer.
- 7. Methods of Contractor Selection for Phase One. In conducting phase one, the City may employ any combination of the methods of Contractor selection that call for the establishment of a Competitive Range or include discussions, negotiations or best and final Offers as set forth in this rule Section 5.33.211.
- 8. Procedure for Phase Two. On the completion of phase one, the City shall invite each qualified Proposer to submit price Proposals.
 - a. Phase two shall be conducted as any other competitive sealed Procurement except as set forth in this rule.

5.33.215 Negotiations, Discussions within the Competitive Range for Multi-Tiered or Multi-step Proposals.

(Repealed by Ordinance No. 185065, effective January 1, 2012.)

5.33.217 Multi-Step Sealed Proposals.

(Repealed by Ordinance No. 185065, effective January 1, 2012.)

5.33.220 Special Procurements.

(Amended by Ordinance Nos. 181547, 183445, 184403, 184404, 185065, 185898, 187373 and 189878, effective March 4, 2020.)

- A.** The City may Award a Contract as a Special Procurement pursuant to the requirements of this section, which permits class Special Procurements. Such Procurements allow the City to enter into a series of Contracts over time pursuant to the authorization provided in regard to the Special Procurement and without necessarily following the requirements of Competitive Sealed Bidding, Competitive Sealed Proposals or Intermediate Procurements.
- B.** For purposes of Section 5.33.220 the following definitions are applicable:
- 1.** “Class Special Procurement” means a contracting procedure that differs from the procedures described in Sections 5.33.180, 5.33.190, 5.33.200 and 5.33.210 and is for the purpose of entering into a series of contracts over time or for multiple projects.
 - 2.** “Contract-Specific Special Procurement” means a contracting procedure that differs from the procedures described in Sections 5.33.180, 5.33.190, 5.33.200 and 5.33.210 and is for the purpose of entering into a single Contract or a number of related Contracts on a one-time basis or for a single project.
 - 3.** “Special Procurement” means, unless the context requires otherwise, a class special Procurement, a contract-specific special Procurement or both.
- C.** The City Council, acting as the Local Contract Review Board may approve a special procurement if it finds that the use of a special procurement or an alternative procedure prescribed by the Council:
- 1.** Is unlikely to encourage favoritism in the award of public contracts or to substantially diminish competition for public contracts; and
 - 2.** Is reasonably expected to result in substantial cost savings to the City or to the public; or
 - 3.** Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with the requirements that are applicable under ORS 279B.055, 279B.060, 279B.070 or under the City Rule found in Chapter 5.33.
- D.** The City Council declares the following as classes of Special Procurements:

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1. **Manufacturer Direct Supplies:** The City may purchase goods directly from a manufacturer if the cost from the manufacturer is the same or less than the cost the manufacturer charges to its distributor(s).
2. **Advertisements:** Except as provided by City Charter Section 8-101, the City may purchase advertising in newspapers and Written publications, web-based Internet sites and other electronic formats.
3. **Copyrighted Materials:** The City may purchase copyrighted materials where there is only one known supplier available for such goods. This includes, but is not limited to, new books, workbooks, periodicals, subscriptions, curriculum materials, reference materials, audio and visual media, and non-mass marketed software from a particular publisher or its designated distributor.
4. **Financial Products:** The City may directly purchase financial products such as bond insurance, surety bonds for City bond reserves and liquidity facilities such as letters of lines or credit. The City may pay fees associated with such transactions, including, but not limited to, registrar, paying agent, and escrow agent fees and fees associated with outstanding debt issues.
5. **Employee Benefit Contracts:** Contracts relating to employee benefits may be Awarded directly to a Contractor after the City obtains a consultant pursuant to Chapter 5.68 to conduct a competitive process to acquire such contractors. Such contracts include administrators of employee Flexible Spending Account Administration and Medical Claims Third Party Administration. The City will hire a consultant to advise it on firms available to provide the Work and the consultant is authorized to solicit firms pursuant to a Request for Proposal process as well as assist the City in placing advertisements in specific publications likely to reach the attention of such contractors or consultants. The City may then negotiate or enter into the Contract that appears most Advantageous to the City without further advertisement or issuance of its own Request for Proposals.
6. **Insurance Contracts:** Contracts for insurance, may be Awarded directly to an insurer after the City obtains Proposals from an insurance consultant. The consultant shall be selected pursuant to Chapter 5.68. Among the services to be provided by the consultant is the securing of competitive Proposals from insurance carriers for all coverages for which the insurance consultant is given responsibility and advice to the City about the costs and benefits of the various Proposals. The City may then negotiate or enter into the insurance Contract that appears most Advantageous to the City without advertisement or issuance of its own Request for Proposals.

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7. **Purchase of Used Personal Property or Equipment:** The City may directly purchase used personal property and equipment. Used property and used equipment is property or equipment that has been placed in use by a previous owner or user for a period of time, and which is recognized in the relevant trade or industry, if there is one, as qualifying the personal property or equipment as “used”. Used personal property or equipment generally does not include property or equipment if the City was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.

8. **Hazardous Material Removal and Oil Clean-up.** The City may directly purchase services to remove or clean up hazardous material or oil from any vendor when ordered to do so by the Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:
 - a. To the extent reasonable under the circumstances, encourage competition by attempting to obtain informal price quotations or Proposals from potential suppliers of Goods and Services;
 - b. The Bureau responsible for managing or coordinating the clean-up shall submit a Written description of the circumstances that require it and a copy of the DEQ order for the cleanup to the Procurement Services together with a requisition authorizing the Contract.
 - c. Procurement Services shall record whether there was time for competition, and, if so, the measures taken to encourage competition, the amount of the price quotations obtained, if any, and the reason for selecting the Contractor to whom Award is made; and
 - d. The timeline for cleanup does not permit the use of intermediate Procurement procedures.

9. **Amendments to Contracts and Price Agreements:** The City may execute Contract amendments, as follows:
 - a. An original valid Contract exists between the parties;
 - b. Unit prices or “add alternates” were provided in the Solicitation Document that established the cost basis for the additional Work or product or in a lump sum Contract the Contractor has provided an estimate of the additional cost which has been verified by the Bureau seeking the amendment; and
 - c. The Solicitation Document provided for such amendments; or

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- d.** Emergency: The original Contract was let pursuant to a declaration of Emergency, in accordance with Section 5.33.130; or
- e.** Unplanned Environmental Cleanup: The additional Work is required by reason of existing regulations or ordinances of federal, state or local agencies, dealing with the prevention of environmental pollution and the preservation of natural resources, that affect performance of the original Contract and such regulations or ordinances either were not cited in the original Contract or were enacted or amended after submission of the successful Bid or Proposal.

10. Renegotiations of Existing Contracts with Incumbent Contractors.

- a.** Authorization. The City may renegotiate and amend existing Contracts with incumbent Contractors only if it is in the best interest of the City and has the approval of the Chief Procurement Officer prior to negotiation.
- b.** Process and Criteria. The City may renegotiate various items of the Contract, including but not limited to: price, term, delivery and shipping, order size, item substitutions, warranties, discounts, on-line ordering systems, price adjustments, product availability, product quality, and reporting requirements. The City must meet the following conditions in its Renegotiations with incumbent Contractors:
 - (1)** Favorable Result. The City must determine that, with all things considered, the renegotiated Contract is at least as favorable to the City as the Original Contract and document this in the Procurement File. For example, the City and the Contractor may adjust terms and conditions within the Original Contract to meet different needs;
 - (2)** Within the Scope. The Goods and Services provided under the renegotiated Contract must be reasonably related to the Original Contract's Solicitation. For example, the City may accept functionally equivalent substitutes for any Goods and Services in the Original Contract's Solicitation.
 - (3)** Optional Term or Condition. If a Contractor offered to the City during the original Solicitation a term or condition that was rejected at that time, the City may not renegotiate for a lower price based on this rejected term or condition as a mandatory term or condition in the renegotiated Contract. If,

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however, a Contractor offers a lower price pursuant to a rejected term or condition without additional consideration from the City and as only an option to the City, then the City may accept the option of a lower price under the rejected term or condition. For example, if the City initially rejected a Contractor's proposed condition that the price required a minimum order, any renegotiated Contract may not mandate this condition; but the City may agree to the option to order lesser amounts or receive a reduced price based upon a minimum order; and

- (4) **Market.** In order to avoid encouraging favoritism or diminishing competition, the City may research the accepted competitive practices and expectations of Offerors within the market for the specific Contract(s) or Classes of Contracts to be renegotiated thereby establishing a market norm. If the City determines that a market norm exists, then the City must document its results in the Procurement File. Based upon this information, the City shall confirm that, if the City follows the market norm, favoritism is not likely to be encouraged, competition is not likely to be diminished, and substantial cost savings may be realized. Under no condition may the City accept or follow any market norm that likely encourages favoritism or diminishes competition, even if it is accepted or expected in the market.
11. Reverse Auctions, pursuant to the process established in Section 5.33.350.
12. Software and Hardware Maintenance, Licenses, Subscriptions and Upgrades. The City may directly enter into a Contract or renew existing Contracts for information technology hardware or software maintenance, licenses, subscriptions and upgrades without Competitive Solicitation where the maintenance, upgrades, subscriptions and licenses are either available from only one source or, if available from more than one provider, are obtained from the City's current provider in order to utilize the pre-existing knowledge of the vendor regarding the specifics of the City's hardware or software system. The City shall document in the Procurement File the facts that justify either that maintenance, license(s), subscriptions and upgrades were available from only one source or, if from more than one source, from the current vendor.
13. Equipment Maintenance, Repair and Overhaul. The City may enter into a Contract for equipment maintenance, repair and/or overhaul without competitive bidding and without obtaining competitive quotations if the

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extent of repair services, parts, maintenance or overhaul is unknown and cost cannot be determined without preliminary dismantling or testing.

14. Price-regulated goods and services, utilities and utility related services. The City may directly purchase, without a competitive solicitation process, utility services, repair, equipment and/or maintenance work, where the rate or price for such goods and services is established by federal, state, or local regulatory authority or when the services can be provided only by a specific utility.
15. Goods, Services or Equipment Required by a Federal Grant Agreements. The City may directly purchase, without a competitive solicitation process, goods, services or equipment when they are required to be purchased from a specific source or when a specific brand name is required and no competition is otherwise available.
16. Membership Dues. The City may directly purchase, without a competitive solicitation process, dues or memberships in professional or community organizations for the benefit of the City.
17. US Postal Service. The City may directly purchase without a competitive solicitation process, permits and postage meters, pre-stamped postcards, establish on-going postage accounts, etc. from the US Postal Service.
18. Services related to legal advice. The City may directly purchase, without a competitive solicitation process, services related to the provision of legal advice to the City:
 - a. When a Contractor or Consultant, such as a court reporter or copy service, has been selected by another person and the City must bear a portion of the cost in order to receive the benefit of the contractor's work, such as deposition transcripts or photocopies; or
 - b. When the Contractor or Consultant, including, but not limited to a mediator, arbitrator, referee or court appointed individual, is selected either by a court, or by joint agreement between the City and another person or persons, in an effort to resolve a claim or dispute that has been or will be asserted by or against the City, regardless of whether litigation has been filed.
19. Seminar, training registration and conference fees. The City may directly purchase, without a competitive solicitation process, seminar registrations and training session fees for attendance at seminars, conferences and training courses hosted by outside entities.

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20. Event sponsorship agreements. The City may directly pay to sponsor an event, whether or not the City receives goods or services in return for its payment.
 21. Stormwater Improvements. The City may enter into a Contract for stormwater improvements or watershed restoration, or both, without obtaining competitive solicitations if all or a significant portion of the improvements or restoration that the City is funding will be performed
 - a. on private property; and
 - b. by the property owner or a contractor hired by the property owner.
 22. Performing Artists. The City may enter into a Contract for performance art whether vocal, instrumental, or visual required by the City to provide a paid performance of their work for an audience determined by the City.
 23. Honoraria. The City may make a one-time payment or gratuity granted in recognition of a special service in which propriety or a competitive selection process is not feasible and made without the service provider recognizing themselves as having any liability or legal obligation for services.
- E.** Notice. The City shall give public notice of the City Council’s approval of an Individual or Class Special Procurement on its website as provided in Subsection 5.33.300 A.3. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement. The City shall give such public notice of the approval of a Special Procurement at least seven (7) Days before Award of the Contract. If the Special Procurement leads to a Solicitation Document, then the City will post a Notice of Intent to Award the contract pursuant to Section 5.33.650.
- F.** If the City plans to conduct a competitive special Procurement, it shall award the contract to the Offeror the City determines to be the most advantageous to the City and thereafter give notice of intent to Award to all prequalified Offerors who sought the Award of a Contract in the manner provided for competitive sealed Bids.

5.33.300 Public Notice of Solicitation for Contracts over \$150,000.

(Amended by Ordinance Nos. 183445, 185898, 187373 and 189878, effective March 4, 2020.)

- A.** Notice and Solicitation Fee. The City shall furnish Public Notice of every Solicitation Document in accordance with Subsection 5.33.300 B. The City may give additional Notice using any method it determines appropriate to foster and promote competition, including:

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1. Mailing notice of the availability of Solicitation Document to Persons that have expressed an interest in the City’s Solicitations; or
 2. Placing Notice on the Oregon Department of Administrative Services’ Electronic Procurement System known as “ORPIN” (Oregon Procurement Information Network) or a successor Electronic system; or
 3. Place Notice on the City’s Electronic Procurement System.
- B.** Advertising. The City shall advertise every notice of a Solicitation Document as follows:
1. The City shall publish the advertisement for Offers in accordance with the requirements of ORS 279B.055(4)(a) and (b) and 279B.060(5); or
 2. Because the City finds that it would be cost effective to Electronically post notice of Bids and Proposals, the City may publish the advertisement for Offers by Electronic Advertisement in accordance with the requirements established by Section 5.33.340.
 3. Content. All advertisements for Offers shall set forth:
 - a. Where, when how and for how long the Solicitation Document may be obtained.
 - b. A general description of the Goods or Services to be acquired;
 - c. The interval between the first date of notice of the Solicitation Document given in accordance with Subsection 5.33.300 B. and Closing which shall not be less than fourteen (14) Days for an Invitation to Bid and 21 Days for a Request for Proposals, unless the City determines that shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of notice of the Solicitation Document given in accordance with Subsection 5.33.300 B. and Closing be less than seven (7) Days as set forth in Section 5.33.200. The City shall document the specific reasons for the shorter public notice period in the Procurement file;
 - d. The date that Persons must file applications for Prequalification if Prequalification is a requirement and the class or classes of Goods or Services for which Persons must be prequalified;
 - e. The location where Contract terms, conditions and Specifications may be reviewed;

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- f.** The name and title of the person designated for the receipt of Bids or Proposals and the person designated by the City as the contact person for the Procurement, if different;
 - g.** The scheduled Opening; and
 - h.** Any other information the City deems appropriate.
- C.** Posting Advertisement for Offers. An Offeror may obtain a copy of the advertisement for Offers upon request.
- D.** The City may charge a fee or require a deposit for the Solicitation Document.
- E.** The City shall provide potential Offerors notice of any Addendum to a Solicitation Document in accordance with Section 5.33.430.

5.33.310 Specifications and Brand Names.

(Amended by Ordinance Nos. 183445,185898 and 189878, effective March 4, 2020.)

- A.** Specification content is in the sole discretion of the City of Portland.
- B.** The City may consult with technical experts, suppliers, prospective Contractors and representative of the industries with which the City will Contract. The City shall take reasonable measure to ensure that no person who prepares or assists in the preparation of Solicitation Documents, Specifications, plans or Scopes of Work (collectively, “documents”), and that no business with which the person is associated realizes a material competitive advantage in a Procurement that arises from the City’s use of those documents.
- C.** A “brand name or equal” Specification may be used when it is Advantageous to the City. The brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the City. The City’s determination of what constitutes a product that is equal or superior to the product specified is final. Unless otherwise specified, the use of a brand name shall mean “brand name or equal.”
- D.** A “brand name” Specification may be used requiring a Contractor to provide a specific brand only if the Chief Procurement Officer makes a Written determination finding that the brand name will meet one or more of the following needs:
 - 1.** The use of a brand name Specification is unlikely to encourage favoritism in the Awarding of a Contract or substantially diminish competition for Contracts; or
 - 2.** The use of a brand name Specification would result in a substantial cost savings to the City; or

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3. There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 4. Efficient utilization of existing goods requires the acquisition of compatible Goods or Services.
- E. The City's use of a brand name specification is subject to protest and review only as provided in Section 5.33.730.

5.33.320 Bids or Proposals are Offers.

(Amended by Ordinance Nos. 185898 and 189878, effective March 4, 2020.)

- A. Offer and Acceptance. A Bid Proposal is an Offer to enter into a Contract. The Offer is a "Firm Offer," i.e., the Offer shall be held open by the Offeror for the City's acceptance for the period specified in Section 5.33.495. The City's Award of the Contract constitutes acceptance of the Offer and binds the Offeror to the Contract.
- B. Responsive Offer. The City may Award a Contract only to a Responsible Offeror with a Responsive Offer.
- C. Contingent Offers. Except to the extent an Offeror is authorized to propose certain terms and conditions pursuant to Section 5.33.211 a Proposer shall not make its Offer contingent upon the City's acceptance of any terms or conditions (including Specifications) other than those contained in the Solicitation Document.
- D. Offeror's Acknowledgment. By signing and returning the Offer, the Offeror acknowledges it has read and understands the terms and conditions contained in the Solicitation Document and that it accepts and agrees to be bound by the terms and conditions of the Solicitation Document. If the Request for Proposals permits alternative terms under Section 5.33.215, the Proposal includes the nonnegotiable terms and conditions and any proposed terms and conditions offered for negotiation upon and to the extent accepted by the City in Writing.

5.33.330 Facsimile Bids and Proposals.

(Repealed by Ordinance No. 189878, effective March 4, 2020.)

5.33.340 Electronic Procurement.

(Amended by Ordinance Nos. 183445, 185898 and 189878, effective March 4, 2020.)

- A. The City may conduct all phases of a Procurement, including without limitation the posting of Electronic Advertisements and the receipt of Electronic Offers, by Electronic methods if and to the extent the City specifies in a Solicitation Document, a request for quotes, or any other Written instructions on how to participate in the Procurement.

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- B.** The City shall open an Electronic Offer in accordance with Electronic security measures in effect at the City at the time of its receipt of the Electronic Offer. Unless the City provides procedures for the secure receipt of Electronic Offers, the Person submitting the Electronic Offer assumes the risk of premature disclosure due to submission in unsealed form.
- C.** The City’s use of Electronic Signatures shall be consistent with applicable statutes and rules. The Chief Procurement Officer may limit the use of Electronic methods of conducting a Procurement as Advantageous to the City.
- D.** If the City determines that Bid or Proposal Security is or will be required, the Chief Procurement Officer will not authorize Electronic Offers unless the City has another method for receipt of such security.
- E.** Rules Governing Electronic Procurements. The City shall conduct all portions of an Electronic Procurement in accordance with these rules, unless otherwise set forth in this rule.
- F.** Preliminary Matters. As a condition of participation in an Electronic Procurement the Chief Procurement Officer may require potential Contractors to register with the City before the date and time on which the City will first accept Offers, to agree to the terms, conditions, or other requirements of a Solicitation Document, or to agree to terms and conditions governing the Procurement, such as procedures that the City may use to attribute, authenticate or verify the accuracy of an Electronic Offer, or the actions that constitute an Electronic Signature.
- G.** Offer Process. The Chief Procurement Officer may specify that Persons must submit an Electronic Offer by a particular date and time, or that Persons may submit multiple Electronic Offers during a period of time established in the Electronic Advertisement. When the Chief Procurement Officer specifies that Persons may submit multiple Electronic Offers during a specified period of time, the City must designate a time and date on which Persons may begin to submit Electronic Offers, and a time and date after which Persons may no longer submit Electronic Offers. The date and time after which Persons may no longer submit Electronic Offers need not be specified by a particular date and time, but may be specified by a description of the conditions that, when they occur, will establish the date and time after which Persons may no longer submit Electronic Offers. When the City will accept Electronic Offers for a period of time, then at the designated date and time that the City will first receive Electronic Offers, the City must begin to accept “real time” Electronic Offers on the City’s’ Electronic Procurement System, and shall continue to accept Electronic Offers in accordance with Subsection 5.33.340 H.2. until the date and time specified by the City, after which the City will no longer accept Electronic Offers.
- H.** Receipt of Electronic Offers.

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1. When the City conducts an Electronic Procurement that provides that all Electronic Offers must be submitted by a particular date and time, the City shall receive the Electronic Offers in accordance with these rules.
 2. When the City specifies that Persons may submit multiple Offers during a period of time, the City shall accept Electronic Offers, and Persons may submit Electronic Offers, in accordance with the following:
 - a. Following receipt of the first Electronic Offer after the Day and time the City first receives Electronic Offers the City shall post on the City's Electronic Procurement System, and updated on a real time basis, the lowest Electronic Offer price or the highest ranking Electronic Offer. At any time before the date and time after which the City will no longer receive Electronic Offers, a Person may revise its Electronic Offer, except that a Person may not lower its price unless that price is below the then lowest Electronic Offer.
 - b. A Person may not increase the price set forth in an Electronic Offer after the Day and time that the City first accepts Electronic Offers.
- I.** Failure of the Electronic Procurement System. In the event of a failure of the City's Electronic Procurement System that interferes with the ability of Persons to submit Electronic Offers, protest or to otherwise participate in the Procurement, the City may cancel the Procurement in accordance with Section 5.33.660, or may extend the date and time for receipt of Electronic Offers by providing notice of the extension immediately after the Electronic Procurement System becomes available.

5.33.350 Reverse Auctions.

(Amended by Ordinance No. 189878, March 4, 2020.)

- A.** Conditions for use. When the City determines that online Solicitation is an Advantageous Procurement method, a Contract may be entered into by competitive online Bidding, subject to the provisions of Competitive Sealed Bidding or Competitive Sealed Proposals.
- B.** Offer process. The Solicitation must designate both a date and time when the City will begin accepting Offers, and a date and time at which the City intends to stop receiving Offers. The date and time the City intends to stop receiving Offers need not be a fixed point in time but may remain dependent on a variable specified in the Solicitation. At the date and time the City intends to begin accepting Offers, the City must begin accepting real time Electronic Offers. The Solicitation must remain open until the date and time or conditions have been reached for the City to stop accepting Offers. The City may require Offerors to register before the date and time the City intends to begin accepting Offers and, as a part of that registration, to agree to the terms, conditions, or other requirements of the Solicitation. Following receipt

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of the first Offer after the date and time the City intends to begin accepting Offers, the lowest Offer price or, if Proposals are accepted, the ranking of each Proposer, must be posted Electronically and updated on a real time basis. At any time before the date and time the City intends to stop receiving Offers, an Offeror may lower the price of its Offer or revise its Proposal except that after the date and time the City intends to begin accepting Offers, an Offeror may not lower its price unless that price is below the then lowest Offer. Offer prices may not be increased after the date and time the City intends to begin accepting Offers. Except for Offer prices, Offers may be modified only as otherwise allowed by these rules or the Solicitation Document. An Offer may be withdrawn only in compliance with these rules. If an Offer is withdrawn, no later Offer submitted by the same Offeror may be for a higher price. If the lowest Responsive Offer is withdrawn after the date and time the City intends to stop receiving Offers, the City may cancel the Solicitation or reopen the Solicitation to all pre-existing Offerors by giving notice to all pre-existing Offerors of both the new date and time the City intends to begin accepting Offers and the new date and time the City intends to stop receiving Offers. Notice that Electronic Solicitation will be reopened must be given as specified in the Solicitation Document.

- C. Failure of the Electronic Procurement System. In the event of a failure of the Electronic Procurement System that interferes with the ability of Offerors to submit Offers, protest, or to otherwise meet the requirements of the Procurement, the City may cancel the Solicitation or may extend the Solicitation by providing notice of the extension immediately after the System becomes available.

5.33.360 Contract Conditions

Every Contract shall contain the conditions required by ORS 279B.220, 225, 230 and 235.

5.33.400 Offer Preparation.

(Amended by Ordinance Nos. 185898 and 189878, effective March 4, 2020.)

- A. Instructions. An Offeror shall sign and submit its Offer in accordance with the Solicitation Document. Unless otherwise instructed, or unless Electronic Offers are permitted, signatures shall be in ink. An Offeror shall initial and submit any correction or erasure to its Offer prior to the Opening in accordance with the requirements for submitting an Offer under the Solicitation Document.
- B. Forms. An Offeror shall submit its Offer on the form(s) provided in the Solicitation Document, unless an Offeror is otherwise instructed in the Solicitation Document.
- C. Documents. An Offeror shall provide the City with all documents and Descriptive Literature required under the Solicitation Document. If the Solicitation Document instructs Offerors not to include documents or literature, such as warranty provisions, the City is entitled to disregard those documents in determining whether the Offer is responsive to the City's request.

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- D.** Electronic Submissions. If the Solicitation Document permitted Electronic Offers under Section 5.33.340 an Offeror may submit its Offer Electronically. The City shall not consider Electronic Offers unless authorized by the Solicitation Document.

5.33.410 Bid or Proposal Security.

(Amended by Ordinance Nos. 183445 and 185898, effective February 20, 2013.)

- A.** Offer Security, not to exceed 10 percent of the Offer, is not required for Contracts other than Public Improvement Contracts unless the Chief Procurement Officer determines otherwise. If required, the purpose of Offer Security is to guarantee acceptance of the Award of the Contract. This requirement shall be stated in the Solicitation Document.
- B.** The Chief Procurement Officer may require Offer Security from any Offeror, even if the City has exempted a class of Solicitations from Offer Security.
- C.** The Offer Security shall be forfeited if the Offeror fails to execute the Contract promptly and properly after the City has Awarded the Contract, unless the Chief Procurement Officer determines forfeiture is not in the City's best interest.
- D.** The City shall not use Offer Security to discourage competition.
- E.** Return of Offer Security. The Offer Security of all unsuccessful Offerors shall be returned or released after a Contract has been executed and evidence of insurance and a performance bond provided (if insurance or performance bond is required by the Solicitation Document), or after all Offers have been rejected. The City may return the Offer Security of unsuccessful Offerors after Opening, but prior to Award, if the return does not prejudice Contract Award and provided that the security of at least the two lowest Bidders, or the two highest scoring Proposers, is retained pending the Award and execution of a Contract.
- F.** Form of Bid or Proposal security. The City may accept only the following forms of Bid or Proposal security:
- 1.** A surety bond, signed by the surety's authorized Attorney in Fact, that is authorized to do business in the State of Oregon and is duly listed in the United States Treasury list as published in the Federal Register, or is otherwise approved by the City Attorney. The surety company's seal shall be affixed to the bond and a Power of Attorney for the Attorney in Fact shall be submitted. The City Attorney has the authority to waive the requirement of corporate seal; or
 - 2.** A signed irrevocable letter of credit issued by an insured institution as defined in ORS 706.008(12); or

3. Cashier's check or Offeror's certified check; or
4. An annual surety bond filed with the City (except for Public Improvement Contracts) that meets all the requirements of Subsection 5.33.410 F.1. above.

5.33.420 Pre-Offer Conferences.

(Amended by Ordinance Nos. 183445 and 185898, effective February 20, 2013.)

- A. Purpose. The City may hold pre-Offer conferences with prospective Offerors prior to Closing, to explain the Solicitation requirements, obtain information, or to conduct site inspections.
- B. Required Attendance. The City may require attendance at the pre-Offer conference as a condition for making an Offer. A prospective Offeror who fails to attend a mandatory conference is not eligible to make an Offer. If an Offer is made it will be rejected as nonresponsive.
- C. Scheduled Time. If the City holds a pre-Offer conference, it shall be held within a reasonable time after the Solicitation Document has been issued, but sufficiently before the Closing to allow Offerors to consider information provided at that conference.
- D. Statements Not Binding. Statements made by a City representative at the pre-Offer conference or elsewhere about the proposed Contract or Solicitation Document do not change the Solicitation Document unless Procurement Services confirms such statements with a Written Addendum to the Solicitation Document.
- E. City Announcement. The City must set forth notice of any pre-Offer conference in the Solicitation Document in accordance with Section 5.33.300.

5.33.430 Addenda to Solicitation Document.

(Amended by Ordinance Nos. 183445, 185898 and 189878, effective March 4, 2020.)

- A. Issuance; Receipt. A Solicitation Document may be changed only by a Written Addendum. An Offeror shall provide Written acknowledgment of receipt of all issued Addenda with its Offer, unless the City otherwise specifies in the Addenda or Solicitation Document. If an Offeror submits an Offer and the Solicitation Document states that the Offeror is bound by all Addenda published in accordance with these rules, then the Offeror shall be bound to the terms contained in all Addenda so issued.
- B. Notice and Distribution. The City shall notify prospective Offerors of Addenda consistent with the standards of Notice as defined in Section 5.33.010 and set forth in Section 5.33.300. The Solicitation Document shall specify how the City will

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provide notice of Addenda and how the City will make the Addenda available. For example, the City may state: “City will not mail notice of Addenda, but will publish notice of any Addenda on City’s Web site. Addenda may be downloaded from the City’s Web site. Offerors should frequently check the City’s Web site until Closing, i.e., at least once weekly until the week of Closing and at least once daily during the week of the Closing.”

C. Timelines; Extensions.

1. The City shall issue Addenda within a reasonable time to allow prospective Offerors to consider the information contained in the Addenda in preparing their Offers. The City should extend the Closing if the Chief Procurement Officer determines prospective Offerors need additional time to review and respond to Addenda. Except to the extent that the Chief Procurement Officer determines that the public interest requires it, the City shall not issue an Addendum less than 3 Business Days before the Closing unless the Addendum also extends the Closing. For purposes of computing this time, the Addendum shall be deemed issued when it is first posted on the City’s Electronic Procurement System or upon mailing, whichever is applicable. If both occur, the notification is complete when the first of these two events occur.

2. Notwithstanding Subsection 5.33.430 C.1., an Addendum that modifies the evaluation criteria, selection process or procedure for any tier of competition under a multi-step sealed Bid or a multi-tiered or multi-step sealed Proposal issued in accordance with Sections 5.33.205 and 5.33.210 through 5.33.211 must be issued no fewer than five (5) Days before the beginning of that tier or step of competition, unless the City determines that a shorter period is sufficient to allow Offerors to prepare for that tier or step of competition. The City shall document the factors it considered in making that determination, which may include, without limitation, the Scope of the changes to the Solicitation Document, the location of the remaining eligible Proposers, or whether shortening the period between issuing an Addendum and the beginning of the next tier or step of competition favors or disfavors any particular Proposer or Proposers.

D. Request for Change or Protest. Unless a different deadline is set forth in the Addendum, an Offeror must submit a Written request for change or protest to the Addendum, as provided in Section 5.33.730, by the close of the City’s next Business Day after issuance of the Addendum. The City shall consider only an Offeror’s request for change or protest to the Addendum; the City shall not consider a request for change or protest to matters not added or modified by the Addendum. Notwithstanding any provision of this paragraph, the City is not required to provide a protest period for Addenda issued during a multi-tier or multi-step Procurement process conducted pursuant to Sections 5.33.200 or 5.33.210.

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**CHAPTER 17.08 - LOCAL IMPROVEMENT
DISTRICT PROCEDURE**

(Chapter replaced by Ordinance No. 177124;
Amended by Ordinance No. 190816, effective June
17, 2022.)

Sections:

- 17.08.010 Definitions and Scopes of Duties.
- 17.08.020 City Council Control.
- 17.08.030 Charter Provisions Applicable.
- 17.08.040 Initiation of Local Improvement District Formation Proceedings.
- 17.08.050 Petition for a Local Improvement District.
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- 17.08.070 Local Improvement District Formation and Remonstrances.
- 17.08.080 Changes to Scope or Cost of Improvements and Notice to Proceed.
- 17.08.090 Abandonment of Local Improvement District.
- 17.08.100 Completion of Construction.
- 17.08.110 Total Cost of Local Improvement.
- 17.08.120 Alternative Financing Methods.
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17.08.010 Definitions and Scopes of Duties.

(Amended by Ordinance Nos. 182389, 184957, 189413, 190132, 190307 and 190816, effective June 17, 2022.)

- A.** The “Responsible Bureau” for a local improvement is as follows:
 - 1.** The Portland Bureau of Transportation is the Responsible Bureau for street and other transportation improvements;
 - 2.** The Bureau of Environmental Services is the Responsible Bureau for sanitary sewer, stormwater management and other environmental improvements;
 - 3.** The Portland Water Bureau is the Responsible Bureau for water improvements; and
 - 4.** City Council will designate the Responsible Bureau for a local improvement that is not addressed by this section.

- B.** “Local Improvement District Administrator” means the person designated by the Director of the Portland Bureau of Transportation to administer the City’s local improvement district program.

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- C. “Property” means includes land irrespective of whether such land is assessed for property taxes. Property for purposes of a future local improvement district assessment does not include equipment which may be assessed by other jurisdictions for property tax purposes. Property for purposes of a local improvement district assessment includes all public real property held in fee simple title but excludes public rights-of-way under public jurisdiction.
- D. The Responsible Engineer as identified in Chapter 17.04 is responsible for:
1. Preparing a preliminary engineer’s estimate and preparing an analysis of proposed significant and material changes to the scope or cost of improvements after formation of a local improvement district prior to preparing plans and specifications;
 2. Preparing plans and specifications;
 3. Entering into a contract for improvement construction and/or engineering;
 4. Handling completion of construction and acceptance of work;
 5. Preparing a final engineer’s estimate; and
 6. Any other work related to engineering or construction.
- E. The Local Improvement District Administrator is responsible for:
1. Preparing a petition for a local improvement district and determining the validity of a petition for a local improvement district as appropriate;
 2. Recommending an assessment methodology for a local improvement district to City Council;
 3. Analyzing financial feasibility of a local improvement district prior to formation;
 4. Preparing and filing a Resolution of Intent for formation of a local improvement district;
 5. Publishing and posting notices for the Formation Hearing of a local improvement district;
 6. Preparing and filing a Formation Ordinance for a local improvement district;
 7. Responding to remonstrances against formation of a local improvement district;

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8. Presenting significant and material changes to scope or cost of improvements to City Council after formation of a local improvement district;
 9. Recommending abandonment of a local improvement district;
 10. Determining the total cost of the local improvement;
 11. Publishing and posting notice of final assessment for a local improvement district;
 12. Preparing and filing the Final Assessment Ordinance for a local improvement district;
 13. Responding to objections against final assessment of a local improvement district; and
 14. Any other work related to processing or completing local improvement districts.
- F.** The Bureau of Revenue and Financial Services will be responsible for:
1. Mailing notices for the Formation Hearing of a local improvement district at the direction of the Local Improvement District Administrator;
 2. Receiving written remonstrances against the formation of a local improvement district, and forwarding such remonstrances to the Local Improvement District Administrator for a response;
 3. Maintaining records of preliminary estimates of assessments;
 4. Mailing notices for the Final Assessment Hearing for a local improvement district at the direction of the Local Improvement District Administrator;
 5. Receiving written objections to the final assessment for a local improvement district, and forwarding such objections to the Local Improvement District Administrator for a response;
 6. Entering final assessments for a local improvement district into the docket of City Liens upon passage of a Final Assessment Ordinance for a local improvement district;
 7. Mailing of notices of final assessment to property owners after passage of the Final Assessment Ordinance and entry into the docket of City Liens;
 8. Determining the individual financial capacities of property owners, and offering installment payments, if requested; and

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9. Obtaining interim financing to pay for local improvement costs prior to bonding.

17.08.020 City Council Control.

(Amended by Ordinance No. 190132, effective October 16, 2020.) Whenever the City Council deems it expedient, it may order an improvement; when the City Council determines that such improvement will afford a special benefit to property within a particular local improvement district, the City Council will classify it as a local improvement, and provide for payment of all or a portion of the cost thereof by imposition and collection of local assessments on the property benefited.

17.08.030 Charter Provisions Applicable.

(Amended by Ordinance Nos. 184957 and 190132, effective October 16, 2020.) Charter provisions applicable to local improvements will be followed by the City except where Charter provisions are contrary to state statute or the Oregon Constitution. In case of such conflict, legally applicable City Code will apply.

17.08.040 Initiation of Local Improvement District Formation Proceedings.

(Amended by Ordinance Nos. 190132 and 190816, effective June 17, 2022.)

- A. City Council may, at its discretion, initiate a local improvement district formation proceeding by adopting a Resolution of Intent to undertake a capital construction project, or part thereof, based on one of more of the following criteria:
 1. A valid petition of support per the criteria in Section 17.08.050, signed by property owners and filed with the Local Improvement District Administrator;
 2. A recommendation from the Responsible Bureau
 3. Its own initiative.
- B. Where formation of a sewer local improvement district is ordered pursuant to an Environmental Quality Commission Order and a sewer plan has been developed and adopted by the City Council, preparation of the construction plans and specifications for that improvement may begin without action by the City Council.
- C. Prior to initiation of local improvement district formation proceedings:
 1. The Bureau of Revenue and Financial Services will identify delinquencies in taxes or City liens of the properties within the proposed local improvement district;
 2. The Local Improvement District Administrator will analyze the financial feasibility of the properties within the proposed local improvement district;

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3. The Local Improvement District Administrator will analyze project financial feasibility by determining whether the sums assessed together with all unpaid sums then outstanding as assessments against the properties would exceed one-half the real market valuation of the properties as shown on the latest county tax rolls.

17.08.050 Petition for a Local Improvement District.

(Amended by Ordinance Nos. 190132 and 190816, effective June 17, 2022.)

- A. A petition of support may be prepared by the Local Improvement District Administrator or by owners of property that may be specially benefited by the proposed improvement.
- B. The petition will include:
 1. The name or designation of the improvement;
 2. A map or clear description of the location of the improvement;
 3. The general character and scope of the improvement; and
 4. A proposed assessment methodology.
- C. The Local Improvement District Administrator will review a petition for the proposed local improvement district to determine if the petition is valid. A petition will be considered valid only when property owned by petition signers added to property covered by waivers of remonstrance and property owned by the City and Prosper Portland represents more than 50 percent of the property in the proposed local improvement district as measured by the proposed assessment methodology. Property owned by the City, including property owned through Prosper Portland, will be counted in support of formation of a local improvement district.
- D. The Local Improvement District Administrator will not consider a petition valid if a petition for a substantially similar local improvement district has been filed in the previous 6 months and City Council resolved not to proceed with the substantially similar local improvement district.
- E. A petition of support will not be disqualified as a result of a subsequent transfer in property ownership. However, the new property owner has a right to remonstrate against the proposed improvement as provided in Chapter 17.08.

17.08.060 Resolution of Intent.

(Amended by Ordinance Nos. 190132 and 190816, effective June 17, 2022.)

- A. The Local Improvement District Administrator will prepare and file a Resolution of Intent for the City Council's consideration subsequent to any of the following:

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1. After the review specific in Section 17.08.050 the Local Improvement District Administrator determined a petition is valid; or
 2. A Responsible Bureau recommends initiation of a local improvement district; or
 3. A member of City Council requests initiation of a local improvement district.
- B.** The Resolution of Intent will include the following:
1. The name or designation of the improvement;
 2. The location of the improvement;
 3. A map or clear description of the local improvement district boundary;
 4. The general character and scope of the improvement;
 5. A preliminary estimate of the total cost of the local improvement;
 6. The proposed assessment methodology;
 7. The proportion of funding to be borne by property owners and other sources, if applicable;
 8. The designated Responsible Bureau if the project scope is not addressed by Section 17.08.010;
 9. A statement of whether the City Council intends to construct the improvement;
 10. Direction to the Local Improvement District Administrator to do one of the following:
 - a. Initiate formation proceedings on the proposed local improvement district; or;
 - b. Suspend proceedings on the proposed local improvement district; or
 - c. Terminate the process for forming the proposed local improvement district.
- C.** If City Council passes a Resolution of Intent to construct the improvements, City Council will direct the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070.

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- D.** The City Council may direct that the engineering and construction work will be done in whole or in part by the City, by a contract, by direct employment of labor, by another governmental agency, or by any combination thereof. Projects partially or fully funded by local improvement district revenue will be subject to competitive bidding. Local improvement districts will not be subject to Subsection 5.34.150 H. of City Code unless this Section is waived in the ordinance forming the local improvement district.
- E.** If a petition is not valid, but the City Council determines that an improvement should be constructed, it may initiate the proceedings by adopting a Resolution of Intent to construct the improvement.
- F.** If the City Council determines that some other construction, such as installation of water lines, sewer lines prior to a street improvement, installation of fire hydrants, utility lines or conduits, conduits for underground service for street lights, or any other underground construction should precede the particular proposed improvement, then the City Council may suspend the proceedings for the proposed improvement until such construction has been started or completed.
- G.** If the City Council passes a Resolution of Intent to terminate the process for forming the local improvement district or considers but fails to pass a resolution to initiate local improvement district formation proceedings, no further action will be taken by the Local Improvement District Administrator on the local improvement district for a period of 6 months, other than actions to close the project.

17.08.070 Local Improvement District Formation and Remonstrances.

(Amended by Ordinance Nos. 189413, 190132 and 190816, effective June 17, 2022.)

- A.** Notice of Public Hearing
 - 1.** Publication Notice: Except as otherwise provided by Charter for changes to street grades, the Local Improvement District Administrator will publish 2 notices of the City's intent to form a local improvement district by publication in a paper of general circulation in the City at least 14 calendar days before the Formation Hearing . The notices will include the following information:
 - a.** The time, date and place of the formation hearing before City Council;
 - b.** The name of the proposed local improvement district;
 - c.** A description of the type and scope of improvements to be made;

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- d. A map or description of the properties proposed for inclusion in the local improvement district for which a legal description is not required;
 - e. A preliminary estimate of the total cost of the local improvement based on the preliminary engineer’s estimate;
 - f. The methodology or methodologies by which properties will be assessed, which may include neither assessed valuation nor real market valuation as elements;
 - g. A statement that the proposal could be modified as a result of the testimony at the formation hearing and that property owners should attend the hearing to have an opportunity to testify on proposed changes;
 - h. A statement mentioning the right to remonstrate, who may remonstrate, how remonstrances can be made, the deadline for filing remonstrances; and where remonstrances must be filed; and
 - i. Contact information for the Local Improvement District Administrator.
2. Posting Notice: At least 14 calendar days before the local improvement district formation hearing, the Local Improvement District Administrator will cause to be posted conspicuously within the proposed local improvement district, at least two notices headed “Notice of Proposed Improvement” in letters not less than 1 inch in height, and the notices will contain in legible characters the information required in Subsection 17.08.070 A.1. The Local Improvement District Administrator will place an affidavit of the posting of such notices within the project file, stating therein the date when and places where the notices have been posted.
3. Mail Notice: At least 21 calendar days before the local improvement district formation hearing on the proposed improvement, the Bureau of Revenue and Financial Services, at the direction of the Local Improvement District Administrator, will mail to the owner of each property within the proposed local improvement district, a notice containing the following:
 - a. The information required in Subsection 17.08.070 A.1.;
 - b. A description of the property; and
 - c. A preliminary estimate of the assessment for the property.
4. A record will be kept of the mailing, posting and publication of any notice required by this Ordinance. Any mistake, error, omission or failure with

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respect to publication, posting or mailing notice will not affect City Council's jurisdiction to proceed or otherwise invalidate the local improvement proceedings when notice is provided by at least one of the methods in this Section.

B. Remonstrances

1. If property owners choose to remonstrate against the proposed improvement such remonstrances must be received by the Bureau of Revenue and Financial Services by 5:00 PM 7 calendar days prior to the local improvement district formation hearing. A remonstrance must be in writing and must be delivered in person or by first class U.S. mail to the Bureau of Revenue and Financial Services. The Bureau of Revenue and Financial Services is not responsible for remonstrances sent via facsimile or via e-mail. The remonstrance will state the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance will, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. The Bureau of Revenue and Financial Services will forward the remonstrance to the Local Improvement District Administrator for a response. A written remonstrance may be withdrawn at any time before the close of the City Council hearing on the formation of the local improvement district.
2. Owners of property covered by waivers of remonstrance may submit an objection; however such an objection will not be considered for purposes of determining City Council jurisdiction as provided by Chapter 9 of the City Charter for the particular type of improvement.
3. The number of remonstrances that will defeat formation of a proposed local improvement district will be as provided by Chapter 9 of the City Charter for the particular type of improvement.

C. Formation Ordinance

1. The local improvement district formation ordinance will contain at least the following findings:
 - a. Name of the proposed local improvement district;
 - b. A general description of the project scope as may also be shown on a typical section;
 - c. A description of the proposed local improvement district with a reference to specific local improvement district boundaries, or a map

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- showing the properties proposed for inclusion in the local improvement district;
- d.** A preliminary estimate of the total cost of the local improvement, including design, construction, engineering, project management and financing;
 - e.** The assessment methodology or methodologies by which benefit within the local improvement district will be assigned;
 - f.** A preliminary estimate of assessments for each property owner within the local improvement district based on the proposed assessment methodology or methodologies;
 - g.** A statement as to the financial feasibility of the local improvement district, based on the preliminary estimate of assessments and outstanding past assessments and taxes; and
 - h.** An exhibit containing findings addressing each remonstrance received, and number of remonstrances received.
- 2.** The local improvement district formation ordinance will contain, at a minimum, directives that:
- a.** Create the local improvement district;
 - b.** Include benefited properties in the local improvement district as shown on an attached exhibit;
 - c.** State the property owners' share of the costs that the benefited properties will be assessed, and any other entities' shares, as applicable;
 - d.** State the assessment methodology;
 - e.** Direct the Responsible Engineer to arrange for the preparation of plans and specifications;
 - f.** Direct the Responsible Engineer to arrange for construction of the improvement;
 - g.** Direct the Bureau of Revenue and Financial Services to obtain interim financing to pay for local improvement costs prior to bonding; and
 - h.** Sustain or overrule any remonstrances received.

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D. Local Improvement District Formation Hearing

1. The City Council will hold a public hearing on the proposed improvement. As provided by Subsection 17.08.070 A.3., the hearing will be held at least 21 calendar days after the date notice was deposited in the mail. The City Council may continue or discontinue the proceedings; may direct a modification of its resolution of intent; or may direct formation of the local improvement district and override any remonstrances, provided the City Council retains jurisdiction as provided by Chapter 9 of the City Charter for the particular type of improvement. The City Council may direct a modification to the location or scope of the improvement, and/or to the local improvement district which it deems will be benefited by the improvement; or make such other modifications in the proceedings as it finds reasonable.
2. **Modification of Scope of Improvements:** If the City Council significantly and materially modifies the scope of the improvement within the adopted formation ordinance so that an assessment is likely to be significantly and materially increased upon one or more properties, or if the City Council enlarges the local improvement district within the adopted formation ordinance, then a new preliminary estimate of assessments will be made and new notices will be sent to the property owners within the proposed local improvement district, and another hearing will be held. The notice will advise property owners who still wish to remonstrate that their remonstrance must be resubmitted. However, no new publication or posting will be required. In the event of modification that meets the objection of any remonstrance, such remonstrance will not be counted as such unless renewed following such modification.
3. **Decision to Form Local Improvement District:** Upon completion of the hearing process, the City Council may approve or decline formation of a local improvement district by ordinance. As provided in Subsection 17.08.070 C.1., a decision to approve formation of a local improvement district will be supported by findings supporting a conclusion of special benefit and addressing the remonstrances, and will direct the Local Improvement District Administrator to arrange for construction of the local improvement.
4. If the City Council approves formation of the local improvement district, the Responsible Engineer will arrange for the preparation of plans and specifications. Upon completion, approved plans will be available for inspection at the Responsible Bureau for at least the minimum time period specified in its Records Retention and Disposition Schedule. The local improvement may be constructed and/or engineered in whole or in part by the City or by another government agency, or the City may seek bids for any portion of the local improvement. Projects partially or fully funded by local improvement district revenue will be subject to competitive bidding

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and will not be subject to Subsection 5.34.150 H. of City Code unless this Section is waived in the ordinance forming the local improvement district.

5. The City Council will have final determination of the kind and character of the local improvement, its location and extent, materials to be used, and all matters contained in the plans and specifications.
6. The City Council will also have final determination of the assessment methodology and boundaries of the local improvement district that is to be assessed for the costs of the improvement, except that the assessment methodology may not include a criterion based on real market valuation or assessed market valuation. The possibility or likelihood that some property contained in the property description of the proposed local improvement district may not be benefited by the proposed improvement will not invalidate the local improvement district description.
7. Upon City Council's passage of an ordinance forming a local improvement district, the assessment methodology may not be changed except by City Council Ordinance notwithstanding concurrence among the property owner(s), nor can the assessment obligation be transferred to a property not included in the local improvement district. No release of obligation will be made by the Bureau of Revenue and Financial Services until after final assessment is made.

17.08.080 Changes to Scope or Cost of Improvements and Notice to Proceed.

(Amended by Ordinance Nos. 182760 and 190132, effective October 16, 2020.)

- A. After formation of a local improvement district, City Council will hold a public hearing to consider significant and material changes to the proposed scope or significant and material changes to the estimate of the total cost of the local improvement district that may arise during the course of final engineering which would result in a significant and material increase to the future assessment of properties per the assessment methodology established in the Formation Ordinance.
- B. For such a hearing, notice will be in the manner provided by Section 17.08.070. In addition to meeting the provisions of Section 17.08.070, the notice will also state the nature of the proposed modifications to the scope of improvements or to the preliminary estimate of the total cost of the local improvement previously approved at the Local Improvement District formation hearing. Property owners will have the opportunity to remonstrate against the significant and material changes in the manner provided by Section 17.08.070 and the remonstrance only pertains to the significant and material increase and/or the significant and material scope change and not to the original local improvement district as approved by Council per Section 17.08.070. If the improvement district was initiated by petition, no new petition will be required.

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- C. The Responsible Engineer may issue a Notice to Proceed to begin construction provided that:
1. There are no significant and material changes to the scope of the local improvements; or
 2. There are no significant and material changes to the preliminary estimate of assessments for the benefiting properties in the local improvement district; or
 3. The City Council has approved significant and material changes to scope and/or cost of the improvements as provided in this section.

Construction of the local improvement will be in substantial accordance with the plans and specifications adopted by the Responsible Engineer.

17.08.090 Abandonment of Local Improvement District.

(Amended by Ordinance No. 190132, effective October 16, 2020.) The City Council will have full power and authority to abandon and rescind proceedings for local improvements at any time prior to the final completion of the improvements.

17.08.100 Completion of Construction.

(Amended by Ordinance Nos. 182760 and 190132, effective October 16, 2020.)

- A. After the work financed by the local improvement district has been completed satisfactorily, the Responsible Engineer will prepare a certificate of completion. The Responsible Engineer will also prepare a final engineer's estimate showing the costs of all engineering and construction work performed. The certificate of completion will be deemed acceptance by the City of the local improvement work.
- B. Authorization for final payment will be made as provided by Chapter 5.33 of City Code.
- C. The Local Improvement District Administrator will include the final engineer's estimate and a copy of the certificate of completion with the filing of the Final Assessment Ordinance as set forth in Section 17.08.130.
- D. Notice of completion of the work need not be provided except as may be required elsewhere in City Code.
- E. If a local improvement is substantially complete except for contract closeout, or if a scope of improvement included in the construction contract but not included in the local improvement is incomplete, the Responsible Engineer at the discretion of the Responsible Bureau may file a written report attesting that the local improvements are complete in lieu of a certificate of completion. The provisions set forth in Subsection 17.08.100 A. apply, except that the written report substitutes for the certificate of completion. Any further project or financing costs incurred

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subsequent to final assessment will be the responsibility of the Responsible Bureau, not of the property owners.

17.08.110 Total Cost of Local Improvement.

(Amended by Ordinance Nos. 189413, 190132 and 190816, effective June 17, 2022.)

- A.** After the work financed by a local improvement district has been accepted as complete, the Local Improvement District Administrator will determine the total cost of the local improvement, including costs identified in the final engineer's estimate and any pending costs.
- B.** The total cost of the local improvement that may be assessed against the properties specially benefited by the improvement will include, but not be limited to the following:

 - 1.** Direct or indirect costs incurred in order to undertake the capital construction project such as the costs of labor, materials, supplies, equipment, permits, survey, engineering, administration, supervision, inspection, insurance, advertising and notification, administration, accounting, depreciation, amortization, operation, maintenance, repair, replacement, contracts, debt service and assessment;
 - 2.** Financing costs, including interest charges; the costs of any necessary property, right-of-way or easement acquisition and condemnation proceedings; and
 - 3.** Attorneys' fees and any other actual expense as allowed by state law.
 - 4.** The total cost of the local improvement that may be assessed against the properties specially benefited by the improvement will not include Portland Bureau of Transportation overhead costs unless this Section is waived in the ordinance forming the local improvement district.
- C.** Engineering and project management performed by the City in connection with local improvements will be charged at the rate of 100 percent of the direct cost of services performed computed in accordance with the provisions of Section 5.48.030. The Responsible Engineer will prepare a final engineer's estimate of the engineering and construction costs. A final estimate of the total project costs, including costs reflected in the final engineer's estimate, will be prepared by the Local Improvement District Administrator.
- D.** The Bureau of Revenue and Financial Services will maintain a fee schedule that will be used for determining the charge to be made for Bureau of Revenue and Financial Services' administrative services and general City administrative services in connection with local improvements. These charges will include a Superintendency fee; a recording fee which will be fixed regardless of the amount

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of the assessment; and a monthly billing fee if the property owner does not pay the full assessment at the time it is levied.

17.08.120 Alternative Financing Methods.

(Amended by Ordinance No. 190132, effective October 16, 2020.) Nothing contained in this Chapter will preclude the City Council from using any other available means of financing portions of local improvements, including but not limited to city funds, federal or state grants, user charges or fees, revenue bonds, general obligation bonds, or any other legal means of finance. In the event that such other means of financing improvements are used, the City Council may make assessments to pay any remaining part of the total costs of the local improvement.

17.08.130 Final Assessment and Objections.

(Amended by Ordinance Nos. 182760, 184957, 189413, 190132 and 190816, effective June 17, 2022.)

A. Apportionment of Proposed Final Assessments

1. Whenever any local improvement, any part of the cost of which is to be assessed upon the property specially benefited thereby, is completed in whole, or in such part that the cost of the whole can be determined, the Local Improvement District Administrator will file the final estimate of the total cost of the local improvement and prepare a proposed final assessment according to the assessment methodology approved by City Council upon the properties in the local improvement district, including upon any land owned by the City.
2. If the City Council has determined that a portion of the total cost of the local improvement is to be paid from public funds, other than the benefit assessment to be imposed upon land owned by the City and lying within the local improvement fixed by the City Council, the Local Improvement District Administrator will deduct from the total cost of the local improvement such allocation of costs to public funds provided by the City Council and will apportion the remainder of such total cost on the properties within the local improvement.
3. When the Local Improvement District Administrator has calculated the assessment for each property, the Local Improvement District Administrator will file the proposed final assessment roll with the City Council through the Commissioner-in-Charge of the Responsible Bureau.

B. Notice of Proposed Final Assessments

1. At least 21 calendar days before the public hearing on the proposed final assessment, the Bureau of Revenue and Financial Services at the direction of the Local Improvement District Administrator will provide notice to the

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owner of each property or to the owner's agent as shown in the County tax record either by mail or by personal delivery. The notice will state:

- a. The property description;
 - b. The amount of the proposed final assessment against the property;
 - c. A statement that this amount could be modified as a result of objections filed by other property owners in the local improvement district unless the cost to property owners is fixed;
 - d. The date, time and place of the final assessment hearing;
 - e. The deadline and manner for filing objections to the proposed final assessment; and
 - f. Contact information for the Local Improvement District Administrator.
2. The Local Improvement District Administrator will publish 2 notices of the proposed final assessment in a newspaper of general circulation in the City at least 14 calendar days prior to the final assessment hearing.
 3. A record will be kept of the mailing and publication of any notice required by this Ordinance. Any mistake, error, omission or failure with respect to publication or mailing notice will not affect City Council's jurisdiction to proceed or otherwise invalidate the local improvement proceedings when notice is provided by at least one of the methods in this Section.

C. Final Assessment Hearing and Objections

1. Any owner of property (except property owned by the City or Prosper Portland) proposed to be assessed a share of the cost of a local improvement may file an objection to the proposed final assessment in writing with the Bureau of Revenue and Financial Services. The objection must be received by the Bureau of Revenue and Financial Services no later than 5:00 PM 7 calendar days prior to the hearing by City Council on the proposed final assessment. The Bureau of Revenue and Financial Services will forward the objection to the Local Improvement District Administrator for a response. The objection will be filed in the same manner as set forth in Subsection 17.08.070 B. and will state the reasons for the objection. However, objections received to final assessment will not affect City Council jurisdiction over final assessment proceedings.
2. The City Council will hold a hearing on any objections on the date set forth in the notice, and at that time will consider objections made by the owners

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of property at the hearing. The hearing may be continued as the City Council may find appropriate.

3. At the hearing, the City Council at its discretion will determine and approve the amount to be assessed upon each property within the local improvement district, which amount does not exceed the special benefits accruing to such property from the improvement and the sum of which amount and other amounts assessed against properties within the local improvement district do not exceed the total cost of the local improvement. The amount of each assessment as determined by City Council will be based on the City Council's finding of special benefit to the property.

D. Final Assessment Ordinance

1. The City Council will pass an assessing ordinance that will set forth the assessments against the respective properties within the local improvement district.
2. The ordinance will:
 - a. Include an exhibit containing findings addressing each objection received, and number of objections received
 - b. State the total cost and assessment methodology used
 - c. Include a statement that each property is specifically benefited in the amount shown in the assessment roll;
 - d. Include a statement that the project has been constructed as provided in the adopted plans and specifications, and, if the provisions set forth in Subsection 17.08.100 E. have been invoked, a copy of the written report from the Responsible Engineer attesting that the local improvements are complete in-lieu of a certificate of completion; and
 - e. Contain a directive to sustain or overrule the objections.
3. Upon passage of the assessing ordinance, the Bureau of Revenue and Financial Services will enter the assessments in the docket of City liens and follow the assessment procedure set forth in Chapter 17.12. As provided by City Charter, the assessment ordinance will take effect immediately upon passage or on any date fewer than 30 days after passage that is specified in the final assessment ordinance.
4. Claimed mistakes in the calculation of assessments will be brought to the attention of the Local Improvement District Administrator, who will determine whether there has been a mistake. If the Local Improvement

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District Administrator finds that there has been a mistake, the Local Improvement District Administrator will recommend to the City Council an amendment to the assessment ordinance to correct the error. On enactment of an amendment, the Bureau of Revenue and Financial Services will cause the necessary correction to be made in the City lien docket. Such correction will not change assessments against any other property within the local improvement district.

- E.** Formation of a new local improvement district: In the event a court of law holds that the formation of a local improvement district was invalid or improper procedures were used, property owners may be assessed after the new local improvement district is formed if the properties are again included.

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(Title replaced by Ordinance No. 190228, effective January 8, 2021.)

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CHAPTER 21.04 – DEFINITIONS

Sections:

21.04.010 Definitions.

21.04.010 Definitions.

(Amended by Ordinance No. 190811, effective June 10, 2022.) The following definitions apply to the entirety of Title 21. Additional Section-specific definitions may be found in other Sections.

- A. “Administrator”** means the person in charge of the Portland Water Bureau, or the person the Administrator appoints as their designee. Also called Director.
- B. “Annual Rates Ordinance”** means the legislation approved by Portland City Council that establishes rates and charges for use of water and water-related services during each City fiscal year.
- C. “Appeal”** means a request for an exception to a Portland Water Bureau standard, specification, requirement or assessment.
- D. “Applicant”** means the person or group applying for water or water-related services. This may also be a private property owner, an owner representative of the property owner, or a tenant. Once the application is accepted, this customer may also be known as a “ratepayer.”
- E. “Backflow Assembly Installation Requirements”** means standards for premises-isolation backflow prevention assemblies and their installation. The Portland Water Bureau developed these standards to be consistent with State of Oregon administrative rules. Where backflow protection is mandated, the application of these requirements are a condition of water service or continued water service.
- F. “Backflow Prevention Assembly”** means a valve that prevents water from flowing opposite of the normal direction of the flow. Backflow prevention assemblies may prevent premises water from flowing back into the City’s water system (this is called premises isolation) or prevent water flowing backward through premises piping (this is called point-of-use isolation).
- G. “Backflow Protection”** means the methods by which the Portland Water Bureau protects the public water system from backflow as established by Oregon Health Authority Cross-Connection Control Requirements and this Title.
- H. “Base Charge”** means a charge for all services connected to the City water system. This per-day charge is published in the Annual Rates Ordinance.
- I. “Billing Period”** means the time between two meter reading dates.

- J.** “**Chief Engineer**” means a licensed professional civil engineer in charge of the Portland Water Bureau’s engineering staff. The Chief Engineer, or the person the Chief Engineer appoints as their designee, establishes, maintains and enforces engineering and technical standards used for planning, design, construction, operations, safety, maintenance and protection of the City’s public drinking water system, related infrastructure and assets. The Chief Engineer is the individual designated to act as the official agent of the Portland Water Bureau to make decisions that directly impact the quality or quantity of drinking water. The Chief Engineer has overall responsibility for engineering at the Portland Water Bureau.
- K.** “**Commissioner-in-Charge**” means the Portland City Council member who supervises and controls the Portland Water Bureau’s work and the City property assigned to it.
- L.** “**Curtailment**” means the intentional reduction in potable water usage by customers below normal consumption levels for a specified period of time.
- M.** “**Developer**” means the initiator of a proposal to construct a water main extension or modification on private property that will connect to the public water system. The development work may include work in a subdivision, multifamily lot or redevelopment of a single family lot into multiple units, commercial or other development.
- N.** “**Emergency**” means an unforeseen circumstance or combination of circumstances or the resulting state that calls for immediate action as determined at the discretion of the Administrator.
- O.** “**Engineering and Technical Standards**” means the standards used for planning, design, construction, operation, maintenance and protection of the water system.
- P.** “**Fire Hydrant**” means a connection point by which firefighters and Portland Water Bureau staff may tap into a water supply. Also called hydrants.
- Q.** “**Front Lot Line**” means a lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner may choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
- R.** “**Header Pipe**” means a large pipe that has one tap on the main in the right-of-way and has more than one small pipe or service connected to it.
- S.** “**Main**” means pipe that bring water to service connections and hydrants. Distribution main may be underneath streets, public rights-of-way, private rights-of-way or easements.

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- T.** “**Master Meter**” means a meter that records the total water use of more than one unit.
- U.** “**Meter**” means a device that records water use.
- V.** “**Oregon Administrative Rules (OAR)**” means the State of Oregon Administrative Rules as amended.
- W.** “**Oregon Health Authority (OHA)**” means the state agency responsible for governing the operations of public water systems in the State of Oregon.
- X.** “**Oregon Revised Statutes (ORS)**” means the codified laws of the State of Oregon.
- Y.** “**Person**” means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or organization, or the manager, lessee, agent, servant, entity, officer or employee of any of the previously mentioned items.
- Z.** “**Point of Delivery (POD)**” means the connection between a public water system and the private property owner’s water system. On the private property side of the connection, the Oregon Plumbing Specialty Code applies. Refer to OAR 333-0061-0020. If a premises-isolation backflow assembly is installed on the private property side of the connection, it must meet Portland Water Bureau’s cross connection control requirements per Subsection 21.12.320 B.1. Refer to OAR 333-061-0070 (9)(b)(A)(ii).
- AA.** “**Portland Water Bureau**” means the organization charged with the responsibility for the finance, operation, maintenance and improvement of the City’s water distribution system.
- BB.** “**Potable Water**” means safe drinking water. Refer to OAR 333-061-0020.
- CC.** “**Premises**” means a piece of land and the buildings on it.
- DD.** “**Private Property Owner**” means a person who is a legal holder of property according to the appropriate county’s assessment and taxation records. Also identified as applicant or ratepayer depending on role in Title 21.
- EE.** “**Project**” means a series of tasks completed by the City that need to be completed in order to reach a specific outcome.
- FF.** “**Public Improvement**” means an improvement performed or financed by a local, state or federal entity of, on, over or under property owned or controlled by the City, or premises to be controlled by the City upon plat and easement recording for approved land premises division by construction, reconstruction, remodeling,

repair or replacement, when no property is intended to be charged through assessment any portion of the improvement cost.

- GG.** “**Public Utility**” means a person possessing a current franchise or privilege granted by the City of Portland to provide utility service, or a City bureau charged with providing utility service, to the public to generate, transmit or provide any such service within the City, including, but not limited to, electricity, telecommunications, natural gas, sewer, water, stormwater, cable or pipeline services.
- HH.** “**Ratepayer**” means the person or group responsible for paying for City water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council. This may also be an applicant, private property owner, an owner representative of the property owner, developer, or a tenant depending on their role in Title 21.
- II.** “**Rate**” means water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.
- JJ.** “**Right-of-Way (R/W)**” means the area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians or goods; dedicated or deeded to the public for public use and under the control of a public agency; or a private right-of-way in private ownership, for use by the property owner and those having express or implied permission by the property owner, but not by others.
- KK.** “**Service**” means the connection by means of which water is conveyed from a main of a public water system to a premise or to a Point of Delivery.
- LL.** “**Service – Branch**” means a service from the water main to a future meter location.
- MM.** “**Service – Combination**” means a service for both fire and domestic (standard) use.
- NN.** “**Service – Curb**” means a domestic (standard) service where the Portland Water Bureau has removed the meter but has not yet disconnected the service from the main. The service is still full of water.
- OO.** “**Service – Defective**” means a service which is no longer compliant.
- PP.** “**Service – Domestic (also known as Standard)**” means an active service with a meter installed, provided for human consumption.
- QQ.** “**Service – Fire**” means a service for premises fire suppression only (also identified as fire service).

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- RR.** “**Service – Header**” means two or more metered services tapped off a single service pipe.
- SS.** “**Service – Irrigation**” means a service for landscape irrigation only.
- TT.** “**Service – Temporary**” means a service intended for short-term use, not exceeding 24 months.
- UU.** “**Service Termination**” means that depending on the type of service, the ends occur at the following places:
1. Metered small (1 inch or less) service on private property: through the meter and to the first coupling connection.
 2. Metered large (more than 1 inch) service on private property: through the downstream meter valve.
 3. Metered service in public right-of-way: through the first coupling.
 4. Unmetered service, meter stop or valve: to the backside of the shutoff valve.
- VV.** “**System Development Charge (SDC)**” means a fee applied to create a new service or make an existing service larger.
- WW.** “**Tenant**” means a person who rents or occupies property from another person.
- XX.** “**Vaulted Basement**” means below-grade building extension into the right-of-way.
- YY.** “**Volumetric Charge**” means a charge that is based on how much water is used, as measured by the meter.
- ZZ.** “**Water Main Extension**” means the addition of more feet of water main to an existing water main.
- AAA.** “**Water Charges**” means water charges that appear on a ratepayer’s bill, including water volume and water base charges, that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.
- BBB.** “**Wholesale Distributor**” means a water district, city, water company, association or other agency that buys water from the City of Portland and then sells or distributes it.

CHAPTER 21.08 - WATER MAIN

Sections:

- 21.08.010 Location of Main.
- 21.08.020 Main Extensions Inside City and Cost Sharing.
- 21.08.040 Main Outside the City.
- 21.08.050 Adequate Main Before Street or Other Public Improvement.
- 21.08.060 Installation of Adequate Distribution Main Inside the City.
- 21.08.070 Portland City Council Authorization for Laying Water Main and Other Water Improvements.

21.08.010 Location of Main.

- A.** Where a water main may be installed. A water main may be installed in public rights-of-way or easements.
- B.** Water main in easements. The Chief Engineer may authorize water main installation in an easement if the following conditions are met:
 - 1.** The easement is at least 20 feet wide (for a main that is 12 inches or less in diameter) and the outer edge of the main is a minimum of 6 feet from the nearest edge of the easement. Easements for a larger main must be reviewed individually and must be at least 30 feet wide, and the outer edge of the main must be a minimum of 12 feet from the nearest edge of the easement and any structure;
 - 2.** The edge of the easement is at least 2 feet from the property-side meter stop;
 - 3.** Any trees proposed to be planted in the water easement must provide a minimum separation at maturity of 10 feet and may only be planted along the outer edge of the easement;
 - 4.** There is no parking or structures allowed on or over the easement where the water main is to be placed;
 - 5.** The new water main is at least 50 feet long;
 - 6.** The easement extends a minimum of 8 feet beyond fire hydrants, 5 feet beyond the end of the main and 2 feet beyond services that are 1 inch in diameter or smaller; and
 - 7.** The Portland Water Bureau may have 24-hour unobstructed access to all parts of the easement main and appurtenances installed to support the main system.

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The Chief Engineer may authorize additional requirements or exceptions to these rules.

- C. A water main must extend at least 5 feet past either the closest property line or the location of the proposed service, whichever is farther.
- D. The Chief Engineer may determine that the existing main is not close enough, large enough or in the wrong location to serve a property or development. If that happens, the applicant requesting new service may apply for the main to be built or improved.

The applicant must pre-pay the Portland Water Bureau to build the new main or make the existing main larger. The Portland Water Bureau determines how much this costs, based on the site and the Annual Rates Ordinance. To estimate the cost, the Portland Water Bureau will determine the most direct route through a public right-of-way or approved easement.

- E. The Portland Water Bureau will determine main size, type and route based on long-term system needs.

The applicant must pay for the size and route specified by the Portland Water Bureau. The applicant must pay for a main large enough to meet their demand, or a main that is at least 6 inches in diameter.

If the Portland Water Bureau chooses to install a larger main than the project requires, chooses an alternate route for the main, or chooses to install other improvements at the same time, the Portland Water Bureau will pay the extra costs.

- F. The Chief Engineer will establish, maintain and enforce engineering and technical standards to plan, design, construct, operate, maintain and protect all of the City's public drinking water system, related infrastructures and assets.

21.08.020 Main Extensions Inside City and Cost Sharing.
(Amended by Ordinance No. 190811, effective June 10, 2022.)

- A. The Portland Water Bureau is responsible for designing and building a water main in the right-of-way. The Portland Water Bureau is the only authorized entity that can connect to and operate the live public water system.
- B. The Portland Water Bureau may adopt rules about how it may share installation costs with applicants. Cost sharing may apply to new or improved water mains, main extensions, fire hydrants, services, and other water infrastructure.

At most, the Portland Water Bureau may pay 50 percent of the total project cost.

The Administrator will consider the following when developing cost sharing policies:

1. Public and private benefit derived from proposed privately financed water system improvements;
 2. Rate impacts; and;
 3. Availability of Portland Water Bureau funds.
- C. Cost sharing in this Section does not apply to those projects:
1. Managed by City and other government agencies;
 2. In newly paved streets under 5-year moratorium;
 3. In state or county roadways;
 4. In highways or freeways;
 5. That cross rail facilities, or are in streets affected by rail facilities; or,
 6. In cobblestone, Belgian block pavement, or non-City standard paving material.
 7. Subdivisions or Developer-built mains

Other exceptions may be determined by the Administrator. Cost sharing for public water improvements or relocation of portions of the water system that are covered in other regulations and policies, are not addressed in this Section.

21.08.040 Main Outside the City.

Any applicant requesting a main extension outside the City may apply in writing for construction of a water main. The Chief Engineer may approve the main extension if the request does not unreasonably impair water supply or pressure to existing services, whether inside or outside the City, and may not be reasonably provided water service through any other water supplier.

The Chief Engineer will determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work must conform to Portland Water Bureau specifications and standards as provided in Section 21.08.010. Upon Portland Water Bureau inspection and acceptance of the new water main, the Portland Water Bureau will connect it to the existing water system. After acceptance by the Portland Water Bureau, the water main extension will become the property of the City.

If the Portland Water Bureau decides to construct the main extension, the applicant must prepay the Portland Water Bureau the estimated cost prior to construction. The cost includes any bond, permits or other security required by any subdivision of government

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having jurisdiction over the location of the main extension. If the actual cost, including overhead expenses computed in accordance with the provisions of the finance regulations of Portland City Code, exceeds the amount prepaid, the applicant must pay the difference to the Portland Water Bureau. If the actual cost is less than the amount prepaid by the applicant, the difference must be refunded. When the applicant requests a set price for such installation, the Portland Water Bureau will establish a price based on the estimated cost. After a set price has been established, no refunds or additional charges for the installation will be made except in those cases where the applicant requests changes to the design or construction and a new fee statement is issued.

Application for connection of property outside the Portland City limits to the City water main or main extension will be deemed a covenant that the applicant must comply with all provisions of Title 21 of Portland City Code and the rules and regulations of the Portland Water Bureau.

21.08.050 Adequate Main Before Street or Other Public Improvement.

The Chief Engineer may require that water main, backflow protection assemblies and other water system parts are installed, relocated or protected before public improvement is built.

Backflow protection assemblies must be installed before new services may connect to the water main. Refer to Section 21.12.320 for additional backflow requirements.

21.08.060 Installation of Adequate Distribution Main Inside the City.

Requesting a larger main. Sometimes an existing main is not large enough to accommodate a new service. If an applicant requests a new residential service 1 inch or smaller and there is not enough water capacity because the main is 4 inches or smaller, the applicant must wait until the City enlarges the main.

The applicant may also request that the City enlarge the main sooner. Upon review of the project, the Chief Engineer may grant the request. The applicant and the City must share the costs for enlarging the main. The Annual Rates Ordinance lists the costs the City must pay.

21.08.070 Portland City Council Authorization for Laying Water Main and Other Water Improvements.

A. The Portland City Council or its administrative officers may authorize the City to spend money on the water system. They may authorize money for projects the Chief Engineer and Administrator deem necessary, helpful or convenient. The money authorized to spend on the water system may pay the cost of the water improvements. This does not mean the City will always pay the entire cost of installing a new main if any portion of the work is eligible for payment or reimbursement under other regulations, codes or administrative rule.

B. Projects may include the following:

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1. Pipelines or main, including making pipelines and main larger;
 2. Pipeline or main extensions;
 3. Interconnections;
 4. Pumps;
 5. Tanks and reservoirs;
 6. Dams; or,
 7. Other water system improvements or Portland Water Bureau assets.
- C. The City must pay for projects through the Water Construction Fund.

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CHAPTER 21.12 - WATER SERVICES

Sections:

- 21.12.010 New Service to Property Adjacent to Water Main.
- 21.12.020 Size of Service and Meter.
- 21.12.030 Application for Installation or Removal of Water Service.
- 21.12.040 Cancellation of Application for Service.
- 21.12.050 Service Branch Installation and Removal.
- 21.12.060 New Service Where Change in Size or Relocation Is Desired.
- 21.12.070 Separate Service.
- 21.12.080 Service to Property Partially Outside City.
- 21.12.090 Temporary Water Service.
- 21.12.100 Annual Fire Hydrant Permit.
- 21.12.110 Installation of New Services from the Mains.
- 21.12.120 Connections to the Water Service.
- 21.12.130 Service and Maintenance Responsibility.
- 21.12.140 Water Pressure at Service.
- 21.12.150 Damage Through Pipes and Fixtures.
- 21.12.160 Authority to Disconnect a Property Due to Potential Damage to Water System or Another Property's Facility.
- 21.12.170 Use of Private Water and City Water.
- 21.12.180 Disconnection of Service When Charges Have Not Been Paid.
- 21.12.190 Reactivation of Curb Service.
- 21.12.200 Defective Service.
- 21.12.210 Master Metering of More Than One Water Service.
- 21.12.220 Service - Fire.
- 21.12.230 Permit and Report Required to Do Plumbing Work.
- 21.12.240 Service Location Change on Portland Water Bureau Projects.
- 21.12.250 Location of Meters Inside City.
- 21.12.260 Water Service in Basements Within the Public Right-of-Way.
- 21.12.270 Ownership of Meters.
- 21.12.280 Damaged Meters Owned by the City.
- 21.12.290 Meter Area and Access to Be Clear.
- 21.12.300 Shutoff Because of Defective Water Meter or Water Service.
- 21.12.310 Authority for Testing and Repairing Meters.
- 21.12.320 Contamination of City Water Supply and Requirements for Backflow Protection.
- 21.12.330 Approval and Release of Easements and Real Property.
- 21.12.340 Identification of Meter Readers and Inspectors.

21.12.010 New Service to Property Adjacent to Water Main.

(Amended by Ordinance No. 190811, effective June 10, 2022.) A request for a new service within the City and adjacent to a City water main is subject to the provisions of this code and the Annual Rates Ordinance.

To obtain water service, the service connection must be along the front lot line of the property to be served and be adjacent to a right-of-way in which there is a public water main.

When no frontage exists for landlocked parcels, whether existing or created through a land use process, or if installing a new service within a frontage causes an adverse risk as determined by the Water Bureau, the Chief Engineer may approve of a new water service within a private easement across a separate parcel(s) of land. The applicant must record the easement(s) prior to service connection.

The Chief Engineer may approve of a new water service from a main within an existing public easement. The service must be within the easement and be readily accessible for construction, maintenance and meter reading.

If an application is made for service from a water main less than 6 inches in diameter, the connection will be deemed temporary unless such main was designated as a permanent main. If the connection is temporary, the connection will not entitle the person or premises to have said main replaced with a larger main at the City's expense. The application for service from a 4-inch main or smaller will be deemed a waiver of any deficiency of supply, pressure or any other inadequacy, whether attributable to prior or future connections or extensions. The application will be deemed a covenant and the applicant must comply with all the provisions of this Title and the rules and regulations of the Portland Water Bureau.

Any application for a new service outside the city limits must comply with all provisions of this code and the City's Comprehensive Plan Policy 8.11, Annexation.

21.12.020 Size of Service and Meter.

Whenever an application for water service and meter is received, the Chief Engineer may reject such application if, in the judgment of the Chief Engineer, the service and meter size requested is not sized appropriately for estimated use by the premises. Estimates of use must follow generally accepted engineering standards from the American Water Works Association (AWWA) and the American Society of Civil Engineers (ASCE). The Chief Engineer will specify the appropriate size of the Portland Water Bureau service and size and type of meter. The service size, as determined by the Chief Engineer, will not be a warranty of sufficiency for pressure or volume of water to be afforded the premises. No service and meter less than 1 inch in size may be installed.

The installation of a backflow prevention assembly may cause the pressure or volume of water to be less than supplied previously by the City at the meter. It is the responsibility of the applicant to calculate the effect of installing a backflow prevention assembly in addition to sizing for domestic and fire needs.

If larger waterflows are required for fire protection, the applicant must pay for that improvement.

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21.12.030 Application for Installation or Removal of Water Service.

All applicants must make written application to connect with or disconnect premises from the City water system on forms provided by the Portland Water Bureau. The applicant must complete these forms in full and must agree to abide by the rules and regulations of the Portland Water Bureau. If the applicant is not the property owner, the applicant must include written approval from the property owner that the work is authorized on the private property.

All applicants for water services must submit a scalable site utility plan showing the whole street running along the length of the property at the time of application that indicates the size and type of service required, location and type of backflow assembly when required and all existing and proposed utilities in the proximity of the proposed service location and the entire width of the right-of-way. The site plan must show all required clearances from existing and proposed utilities, guy wires, trees, appurtenances, structures and the distance from the service to the nearest property line. If an easement is being used, that must be included on the site plan as well.

Payment for service to a new building or structure that requires a building permit will not be accepted until the permit has been issued as provided in the building regulations of the City. No application for a service may be approved unless the conditions set forth in this Title are met.

Following approval and payment of the service and the connection to the City water, the new water main must be installed and tested before the new main and service can be connected to the public water system.

Where backflow protection is required, the backflow assembly must be installed and tested prior to connection to the main and must be compliant with applicable State of Oregon and City backflow prevention and cross-connection control rules and regulations. Installation costs associated with providing required backflow protection must be borne by the applicant.

The City's acceptance of any fees for application or permits does not waive any of the conditions set forth in this Title or grant specific right of connection.

Upon application for any development-related building permit or application for additional services or upgrades, the Portland Water Bureau may review the site for adequate water service size or other code requirements. If an existing service is determined to be inadequate to serve the site or nonconforming to this code, the Portland Water Bureau will determine the appropriate requirements to bring the site into compliance.

21.12.040 Cancellation of Application for Service.

An applicant may request in writing that an application for service be canceled up to the time that the service is installed. The Portland Water Bureau will refund the application

fee, except for any portion of the fee needed to cover Portland Water Bureau costs for partial processing of the application or for actual work done on partial installation, plus a 15 percent service charge for the cost of handling and overhead. A service that has not been installed within one year of the date of payment of fee statement will be canceled, and the fee less the accrued costs plus 15 percent for the cost of handling and overhead will be returned to the applicant.

21.12.050 Service Branch Installation and Removal.

Service branches for future services may be installed before the design of a development is constructed if there is a planned development with preliminary site and utility plans submitted to the Portland Water Bureau, another public agency, or by a developer, with the prior written approval of the Chief Engineer, when the Chief Engineer determines that such installation will benefit the City. Installation of a service branch for a future service may be installed concurrently with the construction of a public improvement project if sufficient detail on size and location can be determined and prepayment for the service branch is made. If an application is not made to install the meter or service activation within 5 years of service branch installation, the Portland Water Bureau may disconnect the service branch at the main with appropriate notice to the property owner. If service is requested after 5 years from date of the branch installation and has not been previously disconnected, the Portland Water Bureau will determine the condition of the service branch and whether it may be used. The applicant must pay for the cost of renewal of the service, if required. Service branches not used at the time of the development or redevelopment of the property must be removed when new services are installed. The applicant is responsible for all costs to renew or remove the unused service branches.

21.12.060 New Service Where Change in Size or Relocation Is Desired.

- A.** When a new smaller or larger service is desired at a property and the Chief Engineer concurs that the requested size is appropriate, the following charges will apply:
 - 1.** For each new larger domestic or irrigation service, an old domestic service that is 2 inches or smaller will be removed at no cost.
 - 2.** For a new smaller or same-sized service, the charge to remove an existing service is provided in the Annual Rates Ordinance.
 - 3.** Charges to remove inactivated service pipes larger than 2 inches are provided in the Annual Rates Ordinance.
- B.** Charges to install new or relocated services are provided in the Annual Rates Ordinance.
- C.** If the Portland Water Bureau has identified a service as being defective, a new service of the same size will be installed by the Portland Water Bureau at no

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charge. A smaller size may be substituted at no charge to the applicant at the time the defective service is being replaced, provided there is written authorization from the property owner if that is someone other than the applicant. If an application for a larger service is received prior to replacement, the applicant must pay the difference between installation fee of the two sizes, and the System Development Charge (SDC) for the larger meter, with a credit for the SDC equal to the meter for the service being removed as provided in Chapter 21.16.

- D.** If a service is relocated or changed in size, additional backflow protection may be required and must be installed and inspected by the Portland Water Bureau prior to service activation. The cost of backflow protection is the responsibility of the property owner.

21.12.070 Separate Service.

- A.** Separate meters are required to supply water to:
 - 1. Each separate lot, parcel, house or building under separate ownership;
 - 2. Buildings on multiple contiguous lots under the same ownership;
 - 3. New mixed-use buildings will be required to have a separate commercial meter;
 - 4. New non-residential developments which will include irrigation of 1,000 square ft or greater will be required to install a separate irrigation meter.
- B.** Separate meters may be installed to supply water to:
 - 1. New accessory dwelling units (ADU's);
 - 2. New residential and multifamily developments with more than one unit;
 - 3. Developments that are required to up-size their meter; or,
 - 4. Other developments approved by the Chief Engineer.

Effective Date. This Subsection will go into effect on July 1, 2021.

21.12.080 Service to Property Partially Outside City.

Where service is requested for a property lies partially inside and partially outside the city limits, service may be provided if the principal structure is on the portion of the property inside the city limits and within the urban growth boundary of the City. Should other structures be in said portion of the property outside the City, the Portland Water Bureau may provide service through separate services and meters and must charge rates in

accordance with outside City service rates. Such services must be installed at the expense of the property owner. See Section 21.08.040 for additional requirements.

21.12.090 Temporary Water Service.

The Portland Water Bureau may install a temporary water service to a site that has no long-term need of a permanent water service, such as to a construction site or temporary irrigation for plant establishment in the right-of-way. Use of a temporary service must not exceed two years from the date of installation.

The applicant desiring temporary service must submit a request for service to the Portland Water Bureau and declare the intended purpose of the service. The applicant must specify the location of the service, the length of time needed, the volume of water required, and the peak flow rate anticipated.

If temporary service is allowed, the Portland Water Bureau will install a service and a meter at the expense of the applicant. Fees to remove the service must be charged to the applicant at the same time as the installation fee. If the Portland Water Bureau installs a temporary service, the applicant must utilize it as if it were a normal permanent service.

All temporary water services are required to be equipped with a minimum of a double check valve assembly installed for backflow protection. The backflow assembly must be installed at the service connection to the premises in accordance with Section 21.12.320.

Temporary fire hydrant permit. If the temporary service is supplied from a fire hydrant, the applicant obtaining the temporary fire hydrant permit must continuously follow the established rules and regulations governing the use of a fire hydrant, as detailed in Section 21.24.020, as well as all City, state and federal rules, regulations and guidelines governing the proper use and disposal of water. The applicant must meter or accurately gauge usage of water from the fire hydrant and report that usage to the Portland Water Bureau. The applicant must not use water from a fire hydrant other than that specified in the permit without prior written approval of the Portland Water Bureau. The applicant must use water exclusively for the stated purpose of the permit and must not allow others to utilize the permit to obtain water for any other purpose.

All temporary water services are required to be equipped with a minimum of a double check valve assembly installed at the service connection to the premises or on a City fire hydrant when permitted for such use. A reduced pressure backflow assembly may be required if the type of use of water warrants a higher level of protection. The backflow assembly installation must be inspected by the Portland Water Bureau prior to service activation. See Section 21.12.320 for additional requirements.

21.12.100 Annual Fire Hydrant Permit.

The Portland Water Bureau may, upon application, issue a permit for the use of fire hydrants as a source of water for commercial enterprises or government agencies that have

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continuous need of water at various locations throughout the City. Sufficient need must be shown to preclude obtaining water from a single permanent service. The fire hydrant permit allows use of the water exclusively for the stated purpose of the permit and must not allow others to utilize the permit to obtain water for any other purpose. Annual fire hydrant permits are renewed for the calendar year, beginning in January. The cost for an annual fire hydrant permit, not issued in January, must be prorated. The cost for an annual fire hydrant permit is set in the Annual Rates Ordinance. The applicant receiving the permit, and all persons who obtain water from fire hydrants, must continuously follow the rules and regulations governing the use of fire hydrants, as detailed in Section 21.24.020, as well as all City, state and federal rules, regulations and guidelines governing the proper use and disposal of water. All water trucks must be inspected for proper backflow protection equipment every three years by the Portland Water Bureau.

21.12.110 Installation of New Services from the Mains.

- A.** The Portland Water Bureau performs all work for installation of a water service within the existing public right-of-way or within an approved easement for domestic, fire and irrigation services, from the meter and the meter stop through the vault wall if the meter is in a vault to the first coupling, and for fire services from the main to the property side of the curb valve.
- B.** The property owner, tenant or developer is responsible for connecting to the service at the termination point whether in the public right-of-way, an approved easement, or on private property. When the service is in a vault, the connection must be on the private property side of the meter after the pipe exits the vault wall.
- C.** The Chief Engineer may allow a developer to install all or some of a water service in a subdivision or in conjunction with a developer installed water main currently on private property. Installation and maintenance of private water lines on private property is regulated by Title 25 of Portland City Code, as administered by the Bureau of Development Services. The Portland Water Bureau may also inspect, with notification to the property owner, private premises plumbing to apply applicable City or state cross-connection control rules and regulations as warranted. See Sections 21.12.320 and 21.24.040.
- D.** New services that are installed for future use without the meter are referred to as a Service – Branch and additional fees will apply for installation of the meter and activation.
- E.** A Service – Curb may or may not be useable for new connections and fees may apply.
- F.** Responsibilities for maintaining water services are found in Section 21.12.130.

21.12.120 Connections to the Water Service.

No connections to the water service may be made between the main and meter stop for metered services, or the valve nearest the property line for fire services, if in a public street, or the easement line if in a private street or an easement, unless installed by the City or authorized by the Chief Engineer. No private hose connections are allowed within a public or private street. Any discovered connections will be deemed a public health hazard, illegal and subject to enforcement actions per Chapter 21.24.

21.12.130 Service Maintenance Responsibility.

This Section clarifies which sections of the service are the responsibility of the Portland Water Bureau or the property owner, tenant or other party responsible for the water service to maintain, repair or replace. Responsibilities for installation of new service are in Section 21.12.110.

A. For domestic and irrigation services:

- 1.** If the connection is 1 inch or smaller, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section from the main through the meter to the meter stop. The property owner is responsible for maintaining, repairing, or replacing the portion from the meter stop to the right-of-way and on the private property.
- 2.** If the connection is larger than 1 inch, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section that goes through the meter and the meter valve, through the vault wall if the meter is in a vault, and the vault itself. The property owner is responsible for maintaining, repairing, or replacing the portion downstream from the meter valve, or if the meter is within a vault, the portion downstream of the meter after the pipe exits the vault wall.

B. For fire services, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section that goes from the main to the property side of the curb valve. The property owner is responsible for maintaining, repairing, or replacing the portion downstream from the property side of the curb valve.

C. The Portland Water Bureau may do work on the property owner's side of the meter as necessary to reconnect an existing service line as part of a Portland Water Bureau project, maintenance, repair, or replacement activity with permission from the property owner.

21.12.140 Water Pressure at Service.

The Portland Water Bureau's goal is to provide water pressure to the property line in the range of 40 pounds per square inch (psi) to 110 psi. State of Oregon Department of Human Services and Oregon Health Authority rules dictate that a water service must provide a minimum of 20 psi at the meter. Pumps, elevated reservoirs and tanks, and pressure-

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reducing valves are utilized to provide pressure in the range of 40 psi to 110 psi when possible or practical. The Bureau of Development Services Plumbing Division, through Title 25 of Portland City Code, regulates plumbing and pressure on private property. Title 25 requires a pressure-reducing device for on-site domestic water systems that receive water at greater than 80 psi.

If the pressure to the service is within the range of 20 psi to 40 psi, the property owner may choose to install a booster pump system on the property owner's side of the meter to improve the pressure of the private plumbing system. The property owner is responsible for the installation, operation and maintenance of any pressure-boosting system. The addition of a booster pump may require the property owner to install an appropriate backflow prevention assembly on the water service, on private property, directly adjacent to the property line on the centerline of the City water service. See Section 21.12.320 for requirements.

The Portland Water Bureau does not guarantee that water can be provided continuously at a particular pressure or rate of flow. Varying demands on the system and the requirement to change in operations affect the flow and pressure available to the service.

21.12.150 Damage Through Pipes and Fixtures.

The Portland Water Bureau is not liable for damages caused by water running from open or faulty fixtures or pipes installed by the property owner or tenants or their contractors. The property owner is financially responsible for the repair of any water facilities that are damaged as a part of the property owner's or tenants' maintenance or repair work.

When a service pipe at the proper elevation or grade is damaged or destroyed by contractors or others in the performance of street work, or when service pipes are damaged by electrolysis, the person, contractor or company responsible for such damage or destruction must be billed by the Portland Water Bureau for the cost of repairing or replacing such pipes on the basis of the cost plus overhead, as provided in the finance regulations of Title 5 of Portland City Code.

21.12.160 Authority to Disconnect a Property Due to Potential Damage to Water System or Another Property's Facility.

- A. The Portland Water Bureau may disconnect a property if it determines that the operation, location or configuration of the facilities or the meter used to provide service
1. poses a hazard to the City system or City employees or to the system or facilities of other properties;
 2. causes pressure surges;

3. creates other hazards that are detrimental to operating the City water system or the water system or facilities of another property; or,
 4. lacks required currently approved backflow protection.
- B.** If the Portland Water Bureau determines that such operations present a significant hazard, the property may be disconnected without prior notice. The Portland Water Bureau will notify the property owner or appropriate person of the disconnection as soon as is reasonably possible and explain the necessity of the action taken. Before the water service is reconnected, the property owner must provide the Portland Water Bureau proof that changes have been made that may preclude a recurrence of the hazardous condition.
- C.** Where a hazard exists, but potential damage is not judged to be imminent, the Portland Water Bureau will give the property owner prior notice of the intent to disconnect. The Portland Water Bureau will state the reason for the disconnection.

21.12.170 Use of Private Water and City Water.

A property owner of premises desiring to use both the City water supply and a supply of water other than that furnished by the Portland Water Bureau, including City water that has been stored for alternate use, may obtain water service only upon complying with the following conditions:

- A.** Prior to obtaining water service, an approved reduced pressure backflow assembly (RPBA) must be installed as outlined in the Portland Water Bureau’s “Backflow Assembly Installation Requirements” and Oregon Administrative Rules 333-061-0070, “Cross Connection Control Requirements.” See Section 21.12.320 for additional requirements.
- B.** If water from a supply other than that provided by the Portland Water Bureau is found without RPBA protection, the City water supply to the premises must be immediately shut off with or without notice. Service must not be reestablished until an approved RPBA has been installed at the service connection to the premises and has been inspected, tested and registered with the Portland Water Bureau.

On-site independent potable supply systems must comply with all rules and regulations determined by the Oregon Health Authority and must be assessed by the City for all standard System Development Charges for connection to City water service.

21.12.180 Disconnection of Service When Charges Have Not Been Paid.

If base or volumetric charges are not paid for a period of 12 months, the Portland Water Bureau may consider the service abandoned and may disconnect the service. When backflow protection is required as outlined in this Title, abandoned or disconnected services must not be reactivated until adequate backflow protection has been installed,

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inspected and approved by the Portland Water Bureau. See Section 21.12.320 for requirements.

21.12.190 Reactivation of Curb Service.

The property owner or person responsible for the service may apply to the Portland Water Bureau to reactivate a curb service by paying the current service activation fee, listed in the Annual Rates Ordinance, to reinstall a meter on the service. The Portland Water Bureau may also require installation of a backflow prevention assembly prior to reactivating service. The existing pipe and connections may be used if the Portland Water Bureau determines them to be in sound condition and adequate for the intended use. If the piping or connection is found to no longer be fit for use and base charges have not been continuously paid, the property owner must pay for replacement of the existing piping.

If service is desired at a different location than existing or if a larger pipe and connection are required, service installation must be per Section 21.12.060.

21.12.200 Defective Services.

Where there is a defective service or leaking service within the public right-of-way or within a Portland Water Bureau easement between the main and the meter of a domestic (standard) or irrigation service, or between the main and the valve behind the curb of a fire service, the Portland Water Bureau will make all repairs free of charge. However, if the defect or leak is on a service for which the base charge or other charges are not being paid, the Portland Water Bureau may disconnect the service at the main. Services replaced because of defects or leaks must be renewed in the same size as the service removed, subject to the provisions which allow an owner of the property to request a change of service size (refer to Section 21.12.060). The Portland Water Bureau may require the installation of an approved backflow prevention assembly when a new service is approved.

21.12.210 Master Metering of More Than One Water Service.

Upon approval by the Chief Engineer, the Portland Water Bureau may permit the master metering of more than one water service, or to wholesale customers. In such case, the owner or tenant of the premise served must designate someone who must, through written agreement with the Portland Water Bureau, be responsible for the payment of all water charges and the acceptance of service of all water related notices. This person is liable for all water related charges until the agreement is terminated or a written agreement is established with another party. In the event payment for water charges is not made in full when due, the Portland Water Bureau may terminate the service pursuant to normal procedures, in spite of the tender of partial payment by any other owner or tenant of the premises so served.

21.12.220 Service - Fire.

Water through a fire service may be used only for fire protection and suppression, and requires periodic system testing at the premises being served. It is unlawful to use a fire protection service for domestic supply, maintenance, irrigation or any other purpose.

A fire service 2 inches or larger that supplies only a fire system must be equipped with a detector metering device that is part of the backflow prevention assembly. This assembly must be installed and maintained by the property owner. A service that supplies water for multiple needs, such as for domestic use and for fire suppression, must be fully metered and must comply with the requirements of Section 21.12.030.

Backflow protection that complies with Section 21.12.320 is required on all fire services.

To avoid unauthorized use of a fire system, the Portland Water Bureau requires the property owner to install an approved full-flow meter under the following conditions:

- A. The existing detector metering device registers use of water for purposes other than to extinguish a fire or to test the system or
- B. Connections have been added where only a detector-metered backflow assembly exists.

When full-flow metering is required because of unauthorized use, the Portland Water Bureau will charge the property owner for installing the meter and/or the meter vault and will assess a System Development Charge based on the size of the service. The Portland Water Bureau policy for additional charges for unauthorized use of water from a fire protection system is established in Section 21.16.200.

21.12.230 Permit and Report Required to Do Plumbing Work.

It is unlawful for any plumber or other person to make installations, replacements, extensions or repairs to any City water service pipe, to connect one service pipe with another service pipe, to extend a pipe from one building to another building or to turn water on or off at any premises without written permission from the Chief Engineer. Such changes may require the installation of an approved backflow prevention assembly, as detailed in Section 21.12.320. After the issuance of a permit from the Bureau of Development Services to a plumber or other person authorized by the plumbing inspector to do plumbing work, the permittee must make a report in writing to the Plumbing Division of the Bureau of Development Services of all connections, attachments and extensions made in accordance with the permit within three days of completion of work.

21.12.240 Service Location Change on Portland Water Bureau Projects.

- A. When an existing service needs to be relocated as part of a Portland Water Bureau project, including when an existing service does not connect to a water main along the Front Lot Line, and the Portland Water Bureau is laying a new main or replacing an existing main in the right-of-way along the Front Lot Line, Portland Water Bureau will:
 - 1. Notify and coordinate with the property owner;

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2. Move (also known as relocate) the service connection to the new main in the right-of-way; and,
 3. Cut and permanently remove the old service connection.
- B.** Re-alignment of the existing service line on private property, also known as backside plumbing, necessitated due to work identified in Subsection 21.12.240 A., must be coordinated with the property owner and performed by a licensed plumber as part of the Portland Water Bureau project or by a licensed plumber hired by the property owner.
- C.** The Portland Water Bureau is responsible for reasonable costs to accomplish work identified in Subsections 21.12.240 A. and 21.12.240 B.
- D.** After connection of the new service, the service line on the downstream side of the meter becomes the responsibility of the property owner to maintain, repair, and replace. See Section 21.12.130. Portland Water Bureau has no ownership or maintenance responsibility once the private service line has been tested, passed final plumbing permit inspection, and has been turned over to the property owner.
- E.** If a property owner wishes to change their service or meter size as part of the Portland Water Bureau project, the property owner is responsible for the difference in cost to upsize their service and/or meter, including SDC's.
- F.** When a service connection is relocated, the Portland Water Bureau will apply current engineering and public health standards, including but not limited, to replacement of any existing backflow devices and pressure reducing vaults.
- G.** If the existing backflow protection does not meet current codes or the work is related to a code compliance order, the property owner is responsible for the cost of providing or updating backflow protection required by Section 21.12.320.
- H.** If the backflow protection meets current codes, is in good condition and functioning correctly, and the service relocation is due to a Portland Water Bureau project, the Portland Water Bureau will pay for the costs to relocate or replace the backflow prevention device at the same time as the service relocation.

21.12.250 Location of Meters Inside City.

- A.** Within the City, the water meter must be located in or adjacent to the street except where a City main is already located in an easement upon private property. For service within easements, the Portland Water Bureau may allow a water meter to be located on or adjacent to an existing line if the necessary easements for the meter installation are approved by the Chief Engineer. If a service from an easement requires a premises isolation backflow assembly, such protection must be installed

immediately adjacent to the service connection on the private property side of the easement, at the easement line, and on the centerline of the City's water service as it exits the easement.

- B.** Unless this requirement is waived in a particular circumstance at the discretion of the Chief Engineer, and except as provided in Section 21.12.260, all water meters must be outside any buildings on the premises and must be safely accessible by Portland Water Bureau staff 24 hours a day for reading, testing, servicing or replacement.

21.12.260 Water Service in Basements Within the Public Right-of-Way.

- A.** A metered water service and associated piping and equipment installed within a building's basement that extends into the public right-of-way (also known as a Vaulted Basement) must be enclosed to prevent damage to the building and its contents. The property owner served, at the owner's expense, must design, fabricate and install a waterproof vault that encloses the entire water service from the open wall to the backside of the meter assembly and separates it from other premises infrastructure, such as electrical panels, wires and equipment. Where premises isolation and backflow protection are required in such instances, the service connection to the premises will be that portion of piping exiting the waterproof vault. Refer to Section 21.12.320 for additional requirements.
- B.** If a metered water service and associated piping and equipment installed within a vaulted basement that extends into the public right-of-way is found to exist at any time without the proper waterproof vault, the Chief Engineer will notify the property owner of the requirements.

The property owner must have the vault designed and installed within the time allowed by the Chief Engineer. The Chief Engineer may allow additional time for the installation for extenuating circumstances and may, at the Chief Engineer's discretion, require a waiver and indemnity as provided in Subsection 21.12.260 D., in return for the grant of additional time.

If the property owner does not have the vault installed within the time allowed by the Chief Engineer, the Chief Engineer may deem that a hazard exists, and service to the property may be disconnected as provided in Section 21.12.160.

- C.** The property owner must provide design plans that meet the requirements of this Title and any Portland Water Bureau guidelines that are applicable to waterproof vaults and backflow prevention. The design plans must be reviewed and accepted by the Chief Engineer.

The vault must be designed and installed according to the Portland Water Bureau requirements so that Portland Water Bureau staff may safely access the meter and

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associated equipment 24 hours a day, and so that the meter and associated equipment may be read, tested, serviced and removed from the sidewalk area above.

The vault must be designed and installed to support the meter assembly and the full weight of water that may fill the vault. At the property owner's expense, the Portland Water Bureau will furnish a frame and cover for the meter vault, which must be installed by the property owner.

The vault must be constructed of material that resists corrosion or be protected by a corrosion-resistant coating. The property owner is responsible for the integrity of the vault and must maintain the vault to keep it free of corrosion and in a clean condition.

The property owner must provide an opening through the outside basement wall for installation of the service and must seal the opening after installation of the pipe. The property owner must seal all openings to the vault except those leading to the sidewalk area.

- D.** Except in cases of new services, the property owner, as an alternative to compliance with this Section, must execute for the benefit of the City an agreement, in a form satisfactory to the Chief Engineer and City Attorney, including the following:
- 1.** The property owner waives any claim for damages for personal injury or property damage against the City and its officers, agents and employees arising out of noncompliance with the requirements of this Section; and
 - 2.** The property owner defends and holds harmless the City and its officers, agents and employees against any claim by any person for damages for personal injury or property damage arising out of noncompliance with the requirements of this Section.

21.12.270 Ownership of Meters.

All new services must have meters provided and installed by the Portland Water Bureau, except sewer meters; commercial, domestic and irrigation submeters; and as provided for fire protection in Section 21.12.220. The cost of the meter plus installation will be charged to the applicant requesting the new service. The new meter is owned by the Portland Water Bureau.

The Portland Water Bureau will assume all repair, maintenance and future replacement responsibilities for new meters. For private meters that are used by the Portland Water Bureau for billing purposes, the Portland Water Bureau will perform all future repair, maintenance and replacement work at no charge to property owners or tenants. If the private meter is determined to be obsolete, the Portland Water Bureau will replace the privately-owned meter with a new Portland Water Bureau-owned meter at no charge to the

property owner or tenants. The Portland Water Bureau will assume all responsibility for the cost of future meter repair or replacement.

As outside areas are annexed to the City, privately-owned meters will be repaired or replaced by the Portland Water Bureau on an as-needed basis with new Portland Water Bureau-owned meters at the City's expense.

All annexed services are required to meet backflow protection requirements, as detailed in Section 21.12.320. All costs associated with providing currently approved backflow protection are the responsibility of the property owner or tenants.

21.12.280 Damaged Meters Owned by the City.

Whenever a meter owned by the City is damaged by hot water or damaged by the carelessness or negligence of the property owner, tenants or others, the Portland Water Bureau must repair the meter and charge the repair costs to the property served tenants or to the person or persons responsible for the damage. The cost of the repairs is as prescribed in the Annual Rates Ordinance.

21.12.290 Meter Area and Access to Be Clear.

Portland Water Bureau personnel must have access to read and maintain water meters 24 hours a day.

A. It is unlawful for anyone to do the following:

1. Block meter access;
2. Store or maintain any goods, merchandise, material or refuse, landscaping or install equipment over, under or within 5 feet of any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau; and/or,
3. Park a motor vehicle over, upon or in such a manner as to prevent access to any water meter, gate valve or other appliance in use on any water meter connection owned by the Portland Water Bureau regardless of whether such Water Bureau property is located on public or private property.

B. Whenever it is necessary for the Portland Water Bureau to enter a building to read the meter or work on the connections, the property owner is responsible for the following:

1. A safe passageway maintained by all occupants of the premises;
2. Maintain the premises free and clear of obstructions from the entrance of the premises to the meter; and,

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3. The meter being accessible, not blocked by shrubs or landscaping or equipment.
- C. The Portland Water Bureau may trim or remove any obstructions, and the property owner or tenants and the premises may be charged as prescribed in Portland City Code Title 5, Revenue and Finance.

21.12.300 Shutoff Because of Defective Water Meter or Water Service.

A water meter, owned or read by the City, may be determined to be defective by the Portland Water Bureau. Conditions that determine whether a water meter is defective may include, but are not limited to, the lack of adequate support; defective plumbing; lack of shut-off equipment necessary to permit meter tests by the Portland Water Bureau; wear due to earth movements; subsidence; pipe bends; or faulty or loose connections.

The Portland Water Bureau will notify the property owner or tenant to remedy the defect on the property owner's or tenant's side of the meter within 10 days from the date of notification. If the repairs or alterations are not completed within the time specified, the water service will be shut off until the repairs or alterations are completed. Refer to Section 21.12.200.

The Administrator or Chief Engineer may allow additional time for completion of repairs or alterations for extenuating circumstances.

21.12.310 Authority for Testing and Repairing Meters.

The Portland Water Bureau may test or repair any water service meter at any time without permission from the property owner and for this purpose may, upon notice, temporarily shut off the water. If a meter that is larger than one inch on City lines requires repairs, the Portland Water Bureau will give notice to the property owner or tenants and immediately place the meter in good working order. If the meter is not repairable due to wear, obsolescence or parts that are not available, the Portland Water Bureau will replace the meter in accord with Section 21.12.270.

21.12.320 Contamination of the City Water Supply and Requirements for Backflow Protection.

(Amended by Ordinance No. 190811, effective June 10, 2022.)

- A. Except as required for operation of the water system, it is unlawful for any person to introduce or permit the introduction of any substance, pollutant or contamination of any kind into the City water supply system.
- B. The property owner or tenant may be required to install premises-isolation backflow protection in order to protect the water system. The Portland Water Bureau operates a premises isolation cross-connection control program as outlined in Oregon Administrative Rule (OAR) 333-061-0070. Premises-isolation backflow

protection is to be installed at the “Point of Delivery” to a premises, refer to Subsection 21.04.010 Z.

1. Per OAR 333, the Portland Water Bureau requires an approved backflow prevention assembly when the Portland Water Bureau determines that:
 - a. a complete physical separation from the City water system is not practicable or necessary;
 - b. adequate inspection for cross-connection may not be readily made; or,
 - c. there exists a possibility of backflow contamination resulting from special conditions, use or equipment.

The Portland Water Bureau may require an approved backflow prevention assembly to be installed where premises are developed for new construction, where buildings or structures are remodeled or where property owner or tenant improvements are made.

No City building permit may be issued without the prior review and approval of the Portland Water Bureau for backflow protection. The Portland Water Bureau may approve such building permits with proof of adequate premises isolation backflow protection is or are to be installed subsequent to building permit issuance. Refer to the Portland Water Bureau document “Backflow Assembly Installation Requirements” for more detailed premises-isolation backflow assembly installation criteria or Title 28, Subsection 28.08.020 F. for additional backflow assembly requirements for floating structures.

It is the responsibility of the building permit applicant to ensure that required backflow protection is clearly noted and shown on all permitted construction drawings. Portland Water Bureau-required premises-isolation backflow protection is a condition of water service for new construction or continued service when required. Backflow protection required under a building permit must be installed prior to receiving a Building Inspector certificate of temporary or final occupancy depending on permit issued. Regardless of whether a premises has structures or whether structures are occupied or vacant, the property owner is responsible for maintaining required premises isolation backflow protection.

2. All assemblies must be tested immediately after installation or whenever the assembly is moved or repaired. Assemblies must also be tested at least once a year, on a schedule determined by the Portland Water Bureau, or more frequently as deemed necessary to ensure adequate backflow

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protection is achieved. Tests must be performed by a tester who is certified by the State of Oregon. Copies of the test results must be provided to the property owner and to the Portland Water Bureau. Backflow prevention assemblies that are not functioning properly must be repaired promptly and retested or replaced. The property owner and the owner of the backflow assembly, if different than the property owner, are responsible for all associated costs of repair, testing and replacement. Upon request from the Portland Water Bureau, backflow assembly testers must submit valid State of Oregon certification credentials and Oregon Construction Contractors Board licensing documents prior to testing backflow assemblies within City boundaries.

3. When the Portland Water Bureau has reasonable cause to believe that an existing or potential cross-connection is located on a property owner's premises, the Portland Water Bureau will terminate water service to the premises. The Portland Water Bureau may also deny or discontinue water service to premises whenever it is found that required premises isolation backflow protection has not been installed, is malfunctioning or is not being properly maintained, or has not been tested or repaired and retested.

Water service may not be provided or reestablished until adequate approved backflow protection has been installed, tested and inspected by the Portland Water Bureau or the cause of the cross-connection hazard has otherwise been eliminated.

As established in the Annual Rates Ordinance, charges must be applied when required backflow protection is not being maintained or is missing. Charges or water service shutoff actions may be applied to the property owner if the premises are supplied water by the Portland Water Bureau.

As established in the Annual Rates Ordinance, a charge must be applied to the water service account for each required premises isolation backflow assembly installed. This charge will be based on the total number of water service accounts equipped with required premises isolation backflow protection and be payable by the property owner, tenant, or party who has agreed with the Portland Water Bureau to accept responsibility for payment of water bills.

Prior to water service being shut off for not maintaining required backflow protection, the Portland Water Bureau will notify the property owner or tenant.

As established in the Annual Rates Ordinance, charges must be applied to the property owner or tenant water bills for each subsequent written

notification to the first annual reminder letter requesting annual backflow assembly testing be completed within 30 days of mailing.

A notification must be sent to the service address and to the address of the property owner or tenant who agreed to accept responsibility for payment of water bills.

The notification must state the anticipated date that water service is to be shut off. Annual Rates Ordinance charges must be applied to the property owner or tenants who had agreed with the Portland Water Bureau to accept responsibility for payment of water bills and for activities associated with water service shutoff and reactivation as established in the Annual Rates Ordinance.

Once a water service has been shut off, it must not be reactivated until all applied charges have been paid and required backflow protection is compliant with Oregon Health Authority Cross-Connection Control Requirements and this Title.

It is the obligation of the property owner or tenant to ensure that the Portland Water Bureau has the most current and accurate address of record. There is no obligation on the part of the Portland Water Bureau to determine if the address of record provided is the best or most current.

21.12.330 Approval and Release of Easements and Real Property.

- A.** The Chief Engineer and the Administrator have authority to accept and amend easements, permits, and related documents needed for the construction and management of the water system when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer and the Administrator have authority to release easements, permits, and related documents no longer needed for water system purposes. For street vacations or non-exclusive easements, release by the Chief Engineer or Administrator will not imply the release of easements and interests of other bureaus and agencies of the City. Easements, permits, and related documents authorized by the Chief Engineer and the Administrator are subject to approval as to form by the City Attorney's Office.
- B.** Acting jointly, the Chief Engineer and the Administrator may accept deeds, contracts, and related documents to purchase real property in fee when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer and the Administrator may execute documents necessary to sell fee property interests no longer needed for public water system purposes under reasonable terms approved as to form by the City Attorney. Portland Water Bureau procedures for disposing of surplus property will conform with City surplus property disposition policies.

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- C. The Administrator or Chief Engineer may grant easements, leases, and licenses on Portland Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.

21.12.340 Identification of Meter Readers and Inspectors.

Each employee of the Portland Water Bureau going onto private property for purposes such as, but not limited to, reading, inspecting or testing any metering device, piping system or backflow assembly installed under the provisions of Oregon Health Authority Cross-Connection Control Requirements and this Title must wear identification from the Portland Water Bureau in a conspicuous place upon the exterior of their clothing. The identification must be shown upon demand of any property owner, tenant or person in charge of the premises entered.

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3. No explosives, pyrotechnics, blasting agents or fireworks awaiting further shipment to destinations outside the City shall be held at a terminal within the City for more than 24 hours unless under direct order of the Fire Marshal.

C. Transportation by Water.

1. All explosives, blasting agents, fireworks and pyrotechnics transported from land to water or from water to land are subject to regulation under applicable provisions of this Chapter and Portland City Code 19 "Harbors" and shall be subject to supervision by the Harbor Master with regard to loading, unloading and handling on any waterfront facility in the City. The Harbor Master shall notify the Fire Marshal when any vessel having explosives, blasting agents, pyrotechnics or fireworks on board enters the City limits.
2. The party with legal custody shall provide adequate security of explosives, blasting agents, pyrotechnics and fireworks during the time that they are held at any waterfront facility.

31.40.070 Additional Requirements for Sale, Use and Possession of Fireworks and Pyrotechnics.

(Amended by Ordinance Nos. 187748 and 190728, effective April 1, 2022.)

- A. It is unlawful to sell, keep or offer for sale, expose for sale, possess, use, explode or have exploded any fireworks, aerial luminary devices or pyrotechnics within the City, except as specified by ORS 480.120 (1)(a-g). For the purpose of this Chapter, the Fire Marshal of the City is recognized as an ex-officio Deputy State Fire Marshal as provided by State statute.
- B. All permitted public fireworks displays may be supervised and controlled by the Fire Chief, acting by and through the Fire Marshal.
- C. Violations - The Fire Marshal is authorized to receive for storage or transfer explosives, blasting agents, pyrotechnics or fireworks obtained by law enforcement officers or others. The Fire Marshal shall confiscate, remove, or have removed at the owner's expense, all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this Title, and may destroy same, when the Fire Marshal finds such measures necessary for the preservation of the public safety.

31.40.080 Additional Requirements for Blasting Activities.

- A. A blasting permit is required for every individual project requiring blasting. It shall be a violation of this Title for any person or entity to do any of the following without first obtaining a permit from the Fire Marshal.

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1. be in possession of high explosive materials, as defined by the adopted fire code;
 2. transport explosives;
 3. conduct an operation or activity requiring the use of explosive materials; or
 4. perform, order or supervise the loading and firing of high explosive materials for the purpose of blasting.
- B.** Certificate of Insurance. The applicant shall provide a certificate of liability insurance to include X, C, U coverage in a form to be approved by the City:
1. In an amount not less than one million dollars (\$1,000,000), or
 2. Such additional amount as may be reasonable under all of the circumstances then existing as determined by the Fire Marshal.

The certificate of insurance shall state on its face that the underlying liability insurance policy includes coverage for and indemnification of the City, its officers, agents (including any blasting consultant in the employ of the City, and any employees of such blasting agent) as additional insured, against any claims brought by owners of any property for loss or damage that resulted from such blasting and coverage to indemnify, hold harmless and defend the City, its officers, agents, and employees in and from any cost, attorney's fees or judgments arising in any way from the actions of the permittee as a result in whole or in part from the blasting. The certificate shall also state that the insurance company must give the City a minimum of 10 days' notice of cancellation of the required liability insurance coverage. Notice shall include notice to the Fire Marshal.

- C.** Additional Permissions.
1. A valid Certificate of Possession from the Bureau of Alcohol, Tobacco and Firearms must be obtained prior to issuance of a permit.
 2. High explosive materials shall not be transported, sold, given, delivered, or transferred to anyone in the City not in possession of a valid blasting permit.
 3. Permits for blasting projects in a public right-of-way or adjacent to a public right-of-way when the blast may affect operation of the right-of-way shall not be issued unless approved by other City Bureaus or other public agencies as deemed appropriate by the Fire Marshal.
- D.** City Assumes No Liability. By the passage of the ordinance codified in this chapter or the issuance of any permit under this chapter, the City assumes no responsibility for any damage caused by the person or entity blasting within the City.