

UPDATE INFORMATION SHEET

The Auditor's office is responsible for providing update pages to

Vols. I & II – Portland City Code

Updates will be available periodically throughout the year. This sheet will provide you with the current update information to assist you in keeping your book current.

**Retain this sheet. It will be replaced with each mailing.
Please contact us should you have any questions 823-4082.**

Update Packet Enclosed	March 31, 2006
Previous Update Packet	December 31, 2005

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 823-4082
1st Quarter 2006

TITLE	REMOVE OLD PAGES	INSERT NEW PAGES	NEXT PAGE IS
2	Table of Contents	Table of Contents	1
2	53 to 54	53 to 62	End of Title
3	17 to 18	17 to 18	19
5	Table of Contents	Table of Contents	1
5	303 to 356	303 to 358	End of Title
7	Table of Contents	Table of Contents	1
7	----	73 - 77	End of Title
14	41 to 42	41 to 42	43
14	51 to 54	51 to 54	55
17	17.28 -7 to 12	17.28 -7 to 12	17.28 -13

TITLE 2 LEGISLATION AND ELECTIONS

Chapter 2.02

GENERAL PROVISIONS

- 2.02.010 Definitions.
- 2.02.020 City Elections Officer.
- 2.02.030 Campaign Finance Regulations.
- 2.02.040 Applicability of State Law; Limitations.
- 2.02.050 Computation of Dates.

Chapter 2.04

INITIATIVE AND REFERENDUM PROCEDURES

- 2.04.030 Pre-election Publication.
- 2.04.040 Submission of Measure to Voters.
- 2.04.050 Prospective Petition.
- 2.04.055 One Subject Determination.
- 2.04.060 Ballot Title; Publication; Legal Effect.
- 2.04.070 Legal Challenge to Ballot Title.
- 2.04.080 Circulation of Petition.
- 2.04.090 Filing Deadlines, Percentage Requirements and Signature Verification.
- 2.04.100 Council Action; Competing Measure and Certification.
- 2.04.120 Measures Referred by the Council.
- 2.04.125 Advisory Questions Referred by Council.
- 2.04.130 Election Dates; Special Election.
- 2.04.140 Ballot Designations.
- 2.04.150 Computation of the Vote.
- 2.04.160 Effective Date.

Chapter 2.08

NOMINATION AND ELECTION OF CANDIDATES

- 2.08.040 City Offices.
- 2.08.050 Qualifications of Candidates.
- 2.08.060 Filing as a Candidate for Office.
- 2.08.070 Filing by Declaration of Candidacy.
- 2.08.080 Filing by Nominating Petition
- 2.08.090 Withdrawal of Candidate Before certification to County.
- 2.08.100 Register of Candidates for primary Election.
- 2.08.110 Statement of Candidates & Measures for Primary and General Elections
Ballots.
- 2.08.120 Post-Election Procedures for Primary and General Election.
- 2.08.130 Tie Vote.
- 2.08.140 Candidate Elected by Write-in Vote.
- 2.08.150 Withdrawal after Nomination.
- 2.08.160 Filling Vacancy in Nomination.
- 2.08.170 Recall.

Chapter 2.10**CAMPAIGN FINANCE FUND**

- 2.10.010 Definitions.
- 2.10.020 Management and Administration of Campaign Finance Fund.
- 2.10.030 Citizen Campaign Commission.
- 2.10.040 Contents of Campaign Finance Fund.
- 2.10.050 Seed Money, Prior Campaign Debt, In-Kind Contributions and Volunteer Work-Hours.
- 2.10.060 Declaration of Intent to Seek Certification and Agreement to Comply with Provisions of Chapter 2.10.
- 2.10.070 Qualifying Period, Contributions and Requirements.
- 2.10.080 Certification of Candidates.
- 2.10.090 Limitations on Use of Campaign Finance Fund Revenues.
- 2.10.100 Timely Distribution of Funds.
- 2.10.110 Campaign Spending Limits for Certified Candidates.
- 2.10.120 Full Disclosure of Campaign Expenditures and Contributions, Including Seed Money, Qualifying Contributions and In-Kind Contributions.
- 2.10.130 Disclosure Requirements for Nonparticipating Candidates.
- 2.10.140 Independent Expenditure Disclosure Requirements.
- 2.10.150 Limited Matching Funds.
- 2.10.160 Return of Unspent Funds to Campaign Finance Fund.
- 2.10.170 Adequate Funding.
- 2.10.180 Adjustments for Inflation and Population Growth.
- 2.10.190 Political Advertisement Disclosure Requirements for Certified Candidates.
- 2.10.200 Communication of Participation Status to Voters.
- 2.10.210 Withdrawal of Certified Candidate, Repayment of Funds.
- 2.10.220 Civil Penalties, Revocation of Certification, Repayment of Funds.
- 2.10.230 Hearings.

Chapter 2.12**REGULATION OF LOBBYING ENTITIES**

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
- 2.12.130 Severability.

TITLE 2

LEGISLATION AND ELECTIONS

- (2) The Auditor shall give notice of the hearing, together with a copy of the request for a hearing, to the Person who requested the hearing and all other Candidates for the same office. The notice shall be sent not later than one business day after the date is set for the hearing under Section 2.10.230 D.4. The notice shall specify the time, date, and place set for the hearing.
 - (3) The notices required in 2.10.230 D.5.a.(1) and (2) may be combined.
 - b. In the case of penalty hearings requested under Section 2.10.230 C.1.b., the Auditor shall give notice of the hearing to the Person or Political Committee who requested the hearing. The notice shall be sent not later than one business day after the date is set for the hearing under Section 2.10.230 D.4. The notice shall specify the time, date, and place set for the hearing.
 - c. Notices may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing. Notice may be given by United States mail, phone, e-mail or other method authorized by the Auditor by rule. If notice is given by mail, such notice shall be deemed given and received three days (Sundays and holidays not included) after the notice is deposited in the United States mail. The failure of any Person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the Hearings Officer.
6. The hearings shall be conducted in accordance with the provisions of Chapter 22.10, except as otherwise provided in this Section.

E. Order of the Hearings Officer.

1. The Hearings Officer shall issue an order not later than three business days after a certification or Matching Funds hearing.
2. In the case of a certification hearing, the Hearings Officer may uphold or revoke the certification.
3. In the case of a Matching Fund hearing, the Hearings Officer may uphold or revoke Matching Funds, or modify a Matching Funds decision by revoking some or all Matching Funds or granting additional Matching Funds.

TITLE 2

LEGISLATION AND ELECTIONS

4. In the case of a penalty hearing, the Hearings Officer may uphold, revoke or modify the penalty.
5. The order of the Hearings Officer is a final decision of the City.
6. Judicial review of an order made under this Section shall be as provided in Title 22.

F. Return of Funds and Payment of Cost of Hearing.

1. If the certification of a Candidate is revoked following a hearing under this Section, the Candidate shall return to the Auditor an amount of money equal to all revenues distributed to the Candidate from the Campaign Finance Fund after the date the Candidate was certified, plus interest on the total amount of revenues received at a rate of 12 percent per annum, in addition to the penalty and interest on the penalty.
2. If Matching Funds distributed under Section 2.10.150 are revoked, the Candidate shall return to the Auditor an amount of money equal to the amount of revoked Matching Funds distributed to the Candidate from the Campaign Finance Fund, plus interest on the total amount of Matching Funds received at a rate of 12 percent per annum.
3. If the Hearings Officer or a court finds that a request for a hearing under this Section was made frivolously or to cause delay or hardship, the Hearings Officer or the court may require the Person who filed the request for a hearing to pay costs of the Hearings Officer, court and opposing parties, and attorney fees of the opposing parties, if any.

Chapter 2.12

REGULATION OF LOBBYING ENTITIES

(New Chapter added by Ordinance No. 179843,
effective April 1, 2006.)

Sections:

- | | |
|----------|---|
| 2.12.010 | Purpose. |
| 2.12.020 | Definitions. |
| 2.12.030 | Registration for Lobbying Entities. |
| 2.12.040 | Quarterly Reporting Requirements for Lobbying Entities. |

TITLE 2 LEGISLATION AND ELECTIONS

- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
- 2.12.130 Severability.

2.12.010 Purpose.

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

2.12.020 Definitions.

As used in this Chapter unless the context requires otherwise:

- A. “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B. “Calendar year” means the period of January 1 through December 31.
- C. “City director” means the director or individual in charge of the following or its successors: the Office of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Neighborhood Involvement, the Office of Sustainable Development, the Office of Cable Communications and Franchise Management, the Portland Office of Emergency Management, the Bureau of Emergency Communications, the Bureau of Fire, Rescue and Emergency Services, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Bureau of Water Works, the Bureau of Development Services, the Bureau of Housing and Community Development, the Bureau of Planning, the Bureau of Revenue, and the Portland Development Commission.
- D. “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Portland Planning Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E. “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement,

TITLE 2

LEGISLATION AND ELECTIONS

whether or not legally enforceable.

- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:
 - 1.** Time spent by an individual representing his or her own opinion to a City official.
 - 2.** Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.
 - 3.** Time spent by a City official or City employee acting in their official capacity as a official for the City.
 - 4.** Time spent submitting a bid, responding to related information requests, negotiating terms on a competitively bid contract.
 - 5.** Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.
 - 6.** Formal appearances to give testimony before public hearings or meetings of City Council.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means:
 - 1.** Any individual who is authorized to lobby on behalf of a lobbying entity

TITLE 2
LEGISLATION AND ELECTIONS

for money or any other consideration.

2. Any individual not otherwise subject to subsection 2.12.020 J.1. who is authorized to lobby on behalf of a lobbying entity.

J. “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.

2.12.030 Registration for Lobbying Entities.

A. Within three working days after a lobbying entity spends a cumulative total of more than an estimated 16 hours during any calendar quarter lobbying, the lobbying entity shall register with the City Auditor by filing with the Auditor a statement containing the following information:

1. The name, address, email, website and telephone number of the lobbying entity;
2. A general description of the trade, business, profession or area of endeavor of the lobbying entity;
3. The names, addresses, email, website and telephone number of all lobbyists who are employed by or otherwise authorized to lobby on behalf of the lobbying entity. The list must include:
 - a. Individuals who are paid to lobby for the interests of the lobbying entity.
 - b. Other persons, including lobbying entity employees or volunteers, who are authorized to lobby on behalf of the lobbying entity.
4. The subjects and any specific official actions of interest to the lobbying entity.

B. A business, organization, or association who anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.

C. Registrations shall expire December 31 of every year. Lobbying entities shall renew their registrations once the 16-hour threshold has been reached in each calendar year.

D. An authorized representative of the lobbying entity must sign the registration required by this Section.

TITLE 2

LEGISLATION AND ELECTIONS

- E.** Lobbying entities who do not anticipate spending over \$1000 per calendar quarter for the purpose of lobbying may sign and file with their registration a certificate of limited expenditure provided by the Auditor's office which affirms that the lobbying entity will spend less than the threshold required for quarterly financial reporting of moneys expended under Section 2.12.040 A. 2. If a lobbying entity that files a certificate of limited expenditure spends over \$1000 in a calendar quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A. 2.

2.12.040 Quarterly Reporting Requirements for Lobbying Entities.

- A.** A lobbying entity registered with the City Auditor or required to register with the City Auditor shall file a report, if the lobbying entity has spent an estimated 16 hours during the preceding calendar quarter lobbying, with the City Auditor, by April 15, July 15, October 15, and January 15, showing:
- 1.** The specific subject or subjects of the official action of interest to the lobbying entity, including but not limited to the names of City officials a lobbying entity met with or contacted through direct mail, email or telephone regarding such subject or subjects and the date of the contact
 - 2.** A good faith estimate of total moneys, if the total exceeds \$1000.00, expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on behalf of the lobbying entity, for the purpose of lobbying City officials on behalf of the lobbying entity in the preceding calendar quarter reporting period for:
 - a.** Food, refreshments, travel and entertainment;
 - b.** Printing, postage and telephone;
 - c.** Advertising, direct mail and email;
 - d.** Miscellaneous and gifts;
 - e.** Compensation paid to lobbyists; and
 - f.** Reimbursements to lobbyists for their expenses.
 - 3.** The name of any City official to whom or for whose benefit, on any one occasion, the lobbying entity made an expenditure in excess of \$25.00 in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.

TITLE 2
LEGISLATION AND ELECTIONS

- B.** Statements required by this section need not include amounts expended by the lobbying entity for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.
- C.** A lobbying entity shall update any information submitted in Section 2.12.030 that has changed since registration.
- D.** A statement required by this section shall include a copy of any notice provided to a City official under ORS 244.100(3).
- E.** The lobbying entity official must sign the declaration required by Section 2.12.090 A for each quarterly report.

2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.

In addition to the thresholds set forth in Section 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A.** News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B.** Lobbying entities who employ lobbyists or otherwise authorize persons to lobby on their behalf if such lobbyists cumulatively spend not more than 16 hours lobbying on behalf of a lobbying entity during any calendar quarter.
- C.** Any lobbying entity that satisfies all three of the following requirements:
 - 1.** Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
 - 2.** Is an Internal Revenue Code Section 501 (c) 3 Organization; and
 - 3.** Is formally recognized or acknowledged by the City of Portland through City Council resolution or ordinance.

TITLE 2

LEGISLATION AND ELECTIONS

2.12.060 Declaration Required by Lobbyists

Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

2.12.070 Reporting Requirements for City Officials

- A.** City officials shall file written reports documenting any gifts, meals or entertainment in excess of \$25.00 received from a lobbying entity or any person authorized to lobby on the lobbying entity's behalf. Such reports shall include:
 - 1.** Name of lobbying entity, and if applicable, name of lobbyist;
 - 2.** Subject of lobbying;
 - 3.** Value of gift, meal or entertainment; and
 - 4.** Date of receipt.
- B.** City officials shall file written reports after a lobbyist or lobbying entity has agreed to make a donation of personal or real property to the City. Such reports shall include:
 - 1.** Name of lobbying entity, and if applicable, name of lobbyist;
 - 2.** Gift or donation requested;
 - 3.** Purpose of donation; and
 - 4.** Date of request.
- C.** The reports, if any, required by subsections 2.12.070 A. and B. shall be filed with the City Auditor on the last business day of every calendar quarter. City officials are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than \$25.00 or if no gifts or donations have been requested in the calendar quarter.
- D.** Elected officials and City directors shall post their calendars of activities related to official City business to the lobbyist website designated by the City Auditor 15 days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.

TITLE 2
LEGISLATION AND ELECTIONS

2.12.080 Prohibited Conduct.

- A.** No former City elected official, City director or other employee shall, for a period of one year after the termination of the employee's term of office or employment, lobby for money or other consideration a City official, regarding any subject matter on which the employee participated personally and substantially during the employee's term of office or employment; provided, that if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.
- B.** The prohibitions in this Section shall not apply to:

 - 1.** Prevent any former City elected official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;
 - 2.** The activities of any former City elected official or other City employee who is an elected or appointed officer or employee of any public body, when that former City elected official or other City employee is solely representing that agency in his or her official capacity as an officer or employee of the public body;
 - 3.** Any ministerial action. For purposes of this subsection, a ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action.
 - 4.** Prevent City officials or other City employees from seeking information or participation from former City elected officials or other City employees where the public interest would be served by the information or participation.

2.12.090 Verification of Reports, Registrations and Statements.

- A.** Each report, registration or statement required by this Chapter shall contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.
- B.** No person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration for false swearing which the person does not believe to be true and correct to every matter.

TITLE 2

LEGISLATION AND ELECTIONS

2.12.100 Public Nature of Reports, Registrations and Statements.

All information submitted to the City Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on Office of the Auditor website within three business days.

2.12.110 Auditor's Duties.

In carrying out the provisions of this Chapter, the City Auditor:

- A.** Shall prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B.** Shall accept registrations and reports in an electronic format;
- C.** Shall accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D.** Shall make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;
- E.** May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F.** Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

2.12.120 Penalties.

A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not to exceed \$500.00 per violation. At the request of the Auditor, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue.

2.12.130 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.

Chapter 3.04

SUBPOENA POWERS

3.04.010 Power Granted by Charter - Witness Duties and Rights.

For the purpose of compelling the attendance of witnesses or the production of books, documents or other evidence as authorized by the Charter, the Mayor, or the Auditor when directed by the Council or by a committee duly authorized thereto, may cause a subpoena to be issued under his hand and the seal of the City and may cause the subpoena to be served by a police officer. The manner of service and the witness fees and mileage to be paid shall be the same as are now or as may be prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. 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 with him or her such book or books document or documents, or other objects 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 exhibit such portions of such book or books, document or documents, or other thing as may pertain thereto; provided, that such witness shall not be required to answer any question or to act in violation of his rights under the constitutions of the State or of the United States.

Chapter 3.05

**CITY AUDITOR'S AUDIT
SERVICES DIVISION**

(New Chapter substituted by
Ordinance No. 170381, effective
Aug. 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 Records and Property.
- 3.05.050 Bureau Response.
- 3.05.060 Audit Reports.
- 3.05.065 Report of Irregularities.

TITLE 3 ADMINISTRATION

3.05.070 Contract Auditors, Consultants and Experts.
3.05.080 Peer Review.

3.05.010 Independence.

- A.** The Audit Services Division is hereby created 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.

- A.** The Auditor shall conduct financial and performance audits of all bureaus, offices, boards, activities, functions and 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;
 - 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;

TITLE 5 REVENUE AND FINANCE

Chapter 5.04

FUNDS

5.04.010	Provisions Made For.
5.04.020	Sundry Trusts Fund.
5.04.030	Trustees' Fund.
5.04.040	Parking Meter Fund.
5.04.050	Golf Fund.
5.04.070	Bonded Debt Interest and Sinking Fund.
5.04.140	Parking Facilities Fund.
5.04.150	Parking Facilities Bond Redemption Fund.
5.04.170	Revenue Sharing Fund.
5.04.175	State Revenue Sharing Fund.
5.04.180	CityFleet Operating Fund.
5.04.185	Facilities Services Operating Fund.
5.04.190	Communications Service Operating Fund.
5.04.200	Printing and Distribution Services Operating Fund.
5.04.210	Improvement Warrant Sinking Fund.
5.04.220	Economic Development Trust Fund.
5.04.230	Insurance and Claims Operating Fund.
5.04.240	Worker's Compensation Self Insurance Operating Fund.
5.04.250	System Development Charge Sinking Fund.
5.04.270	Washington County Water Supply Construction Fund.
5.04.280	Washington County Water Supply Bonded Debt Service Sinking Fund.
5.04.290	Water Growth Impact Charge Trust Fund.
5.04.300	Bull Run Fund.
5.04.310	St. Johns Landfill End Use Plan Fund.
5.04.320	Sewer Revolving Loan Fund.
5.04.400	Sewer System Operating Fund.
5.04.410	Sewer System Construction Fund.
5.04.420	Sewer System Debt Redemption Fund.
5.04.430	Sewer System Debt Proceeds Fund.
5.04.440	Sewer System Rate Stabilization Fund.
5.04.450	Sewer System Safety Net Fund.
5.04.460	Use of Sewage Disposal Fund.
5.04.470	Portland Police Fitness Room Trust Fund.
5.04.480	Property Management License Fund.
5.04.490	Graffiti Nuisance Abatement Trust Fund.
5.04.500	Information Technology Services Fund.

Chapter 5.08**PAYMENT OF SALARIES, WAGES AND EXPENSES**

- 5.08.010 Biweekly Pay Period.
- 5.08.020 Preparation and Certification of Biweekly Time Reports.
- 5.08.030 Computing Daily and Hourly Rates of Pay.
- 5.08.040 When Auditor to Draw Checks.
- 5.08.060 Safety Glasses.
- 5.08.070 Clothing Allowance.
- 5.08.075 Year Defined.
- 5.08.105 Reimbursement to Employees in Educational Programs Authorized by Council.
- 5.08.110 Bus Fare for Meter Readers.
- 5.08.120 Payment of Salaries and Wages at Other than Times Specified.
- 5.08.130 Salaries Chargeable to More than One Fund.
- 5.08.140 Salary Deductions.
- 5.08.150 State Tax Street Fund.
- 5.08.160 Delivery of Checks Payable to Deceased Persons.
- 5.08.170 Hold Harmless Agreements.
- 5.08.180 Effect of Death Upon Assignments and Levies.

Chapter 5.09**DEFERRED COMPENSATION PLAN**

- 5.09.005 Title.
- 5.09.010 Definitions.
- 5.09.020 Purpose.
- 5.09.030 Administration.
- 5.09.035 Education.
- 5.09.040 Participation in the Plan.
- 5.09.050 Compensation Deferral.
- 5.09.055 Catch-up Provisions.
- 5.09.056 Excess Deferrals.
- 5.09.060 Deferred Compensation Records.
- 5.09.070 Payment Options.
- 5.09.080 Distribution of Benefits Generally.
- 5.09.090 Qualified Domestic Relations Orders (QDRO).
- 5.09.100 Determination of Benefits Upon Death.
- 5.09.120 Unforeseeable Emergency.
- 5.09.130 Non-Assignability.
- 5.09.140 Amendment and Termination.
- 5.09.150 Transfers from other Code Section 457 (b) Plans.
- 5.09.155 Rollovers to Plan
- 5.09.157 Purchase of Service Credits.
- 5.09.160 Unclaimed Assets.
- 5.09.170 Disclaimers.

Chapter 5.10	PAYROLL DEDUCTIONS FOR CHARITABLE PURPOSES
5.10.010	Definitions.
5.10.020	Charitable Campaign Committee.
5.10.030	Council Approval Required.
5.10.040	Application for Permission to Engage in Fund-Raising Activities.
5.10.050	Eligibility Requirements.
5.10.060	Recommendation to Council.
5.10.070	Council Approval.
5.10.080	Effect of Council Approval.
5.10.090	Revocation of Approval.
5.10.100	Annual Charity Drive.
5.10.110	Annual Reporting.
5.10.120	Costs.
5.10.130	Distribution of Payroll Deductions.
 Chapter 5.12	 ASSIGNMENT OR GARNISHMENT OF SALARIES, WAGES OR CLAIMS
5.12.010	Unlawful to Assign Salary or Wages.
5.12.020	Auditor Not to Recognize Assignment.
5.12.030	Exceptions.
5.12.040	Penalty.
5.12.050	Garnishments.
 Chapter 5.16	 EMERGENCY CHECKS
5.16.010	Issued When.
5.16.020	Extraordinary Circumstances Requiring Emergency Checks.
 Chapter 5.20	 BUDGET PROCEDURE
5.20.010	Budget Procedure.
5.20.020	Reimbursable Expenditures Account.
 Chapter 5.30	 COLLECTIONS AND FORECLOSURE PROCESS
5.30.010	Purpose.
5.30.020	Definitions.
5.30.030	Applicability and Foreclosure Options.
5.30.040	Authorities and Responsibilities.
5.30.050	Collection Process.
5.30.060	Adjustment of Open Lien Amounts.
5.30.070	Catch-up Payment Program.
5.30.080	Hardship Payment Program
5.30.090	Negotiation of Bonded Lien Payment Contracts.
5.30.100	Preparation of Foreclosure List.

5.30.110	Council Action on Foreclosure List.
5.30.120	Purchase of Property by the City.
5.30.130	Recording Notice of Foreclosure Sale.
5.30.140	Notice to Persons on Foreclosure List of Foreclosure Action.
5.30.150	Payment of Lien.
5.30.160	Presale and Sale Conditions.
5.30.170	Foreclosure Sale.
5.30.180	Waste, Improvements to the Property, and Nuisance Abatement Procedures.
5.30.190	Certificate of Sale and Notice of Sale to Property Owner.
5.30.200	Entry of Collections and Sales.
5.30.210	Redemption.
5.30.220	Issuance of Deed.
5.30.230	Payment of Taxes.
5.30.240	Sale of Property Purchased by City.

Chapter 5.31

COLLECTIONS & FORECLOSURE PROCESS FOR DELINQUENT SEWER SAFETY NET LIENS

5.31.005	Purpose.
5.31.010	Definitions.
5.31.015	Applicability and Foreclosure Options.
5.31.020	Authorities and Responsibilities.
5.31.025	Collection Process.
5.31.027	Renegotiation of Installment Payment Contracts.
5.31.030	Preforeclosure Process and Review for Delinquent Tax Accounts.
5.31.035	Preparation of Preforeclosure List.
5.31.045	Review of Final Foreclosure List.
5.31.050	Council Action on Final Foreclosure List; Recording of Notice.
5.31.055	Notice to Persons on Final Foreclosure List of Foreclosure Action.
5.31.060	Purchase of Property by the City.
5.31.065	Payment of Lien and Presale and Sale Conditions.
5.31.070	The Sale.
5.31.075	Certificate of Sale and Notice to Property Owner.
5.31.080	Lien Docket Entry.
5.31.085	Redemption.
5.31.090	Issuance of Deed.
5.31.095	Waste, Improvements to the Property, Nuisance Abatement.
5.31.100	Payment of Taxes.
5.31.105	Sale of Property.

Chapter 5.33

GOODS AND SERVICES

- 5.33.010 Definitions.
- 5.33.020 City Council as Local Contract Review Board.
- 5.33.030 Application of Purchasing Code.
- 5.33.040 Authority of Purchasing Agent.
- 5.33.050 Authority for Golf Concession Contracts.
- 5.33.055 Authority of Appropriate Unit Managers.
- 5.33.060 Authority of Directors.
- 5.33.070 Purchasing Goods, Services and Public Improvements from City Employees.
- 5.33.075 Affirmative Action.
- 5.33.080 Environmentally Preferable Procurement.
- 5.33.090 Use of Price Agreements.
- 5.33.100 Overview of Source Selection and Contractor Selection
- 5.33.110 Qualified Rehabilitation Facilities.
- 5.33.120 Sole-Source Procurements.
- 5.33.130 Emergency Procurements.
- 5.33.140 Cooperative Purchasing.
- 5.33.145 Rules on all types of Cooperative Procurements.
- 5.33.150 Join Cooperative Procurements.
- 5.33.160 Permissive Cooperative Procurements.
- 5.33.170 Interstate Cooperative Procurements.
- 5.33.180 Small Procurements.
- 5.33.190 Intermediate Procurements.
- 5.33.200 Competitive Sealed Bidding.
- 5.33.205 Multi-Step Sealed Bids.
- 5.33.210 Competitive Sealed Proposals.
- 5.33.215 Negotiations, Discussions within the Competitive Range for RFPs.
- 5.33.217 Multi-Step Sealed Proposals.
- 5.33.220 Special Procurements.
- 5.33.300 Public Notice of Solicitation for Contracts over \$150,000.
- 5.33.310 Specifications and Brand Names.
- 5.33.320 Bids or Proposals are Offers.
- 5.33.330 Facsimile Bids and Proposals.
- 5.33.340 Electronic Procurement.
- 5.33.350 Reverse Auctions.
- 5.33.360 Contract Conditions.
- 5.33.400 Offer Preparation.
- 5.33.410 Bid or Proposal Security.
- 5.33.420 Pre-Offer Conferences.
- 5.33.430 Addenda to Solicitation Document.
- 5.33.440 Request for Clarification or Change.
- 5.33.450 Offeror Submission.
- 5.33.460 Pre-Closing Modification or Withdrawal of Offers.

5.33.470	Receipt, Opening and Recording of Offers.
5.33.480	Late Offers, Late Withdrawals and Late Modifications.
5.33.490	Mistakes.
5.33.495	Time for City Acceptance.
5.33.500	Responsibility of Offerors.
5.33.505	Qualified Products Lists.
5.33.510	Prequalification of Prospective Offerors.
5.33.530	Debarment of Prospective Offerors.
5.33.540	DBE Disqualification.
5.33.610	Offer Evaluation and Award.
5.33.620	Negotiation With Offerors Prohibited.
5.33.625	Contract Preferences.
5.33.630	Reciprocal Preferences.
5.33.635	Contract Preferences: Recycled Materials.
5.33.640	Rejection of All or Part of an Offer.
5.33.645	Rejection of All Offers.
5.33.650	Notice of Intent to Award.
5.33.660	Cancellation, Delay or Suspension of Solicitation.
5.33.670	Disposition of Offers if Solicitation Canceled.
5.33.675	Documentation of Award.
5.33.685	Availability of Award Decisions.
5.33.690	Performance and Payment Security; Waiver.
5.33.695	Notification to State of Nonresident Contractor.
5.33.700	Protests and Judicial Review of Special Procurements.
5.33.710	Protests and Judicial Review of Sole-Source Procurements.
5.33.720	Protests and Judicial Review of Multi-Tiered Solicitations.
5.34.725	Administrative Reconsideration as a Result of Rejection for Failure to Meet DBE Requirements.
5.33.730	Protests and Judicial Review of Solicitation Documents and the Procurement Process.
5.33.740	Protests and Judicial Review of Contract Award.
5.33.750	Protests of Other Violations.
5.33.760	Review of Prequalification and Debarment Decisions.
5.33.770	Purchasing Board of Appeals.
5.33.780	Powers of the Board.
5.33.790	Appeal to Board.
5.33.900	Fair Contracting and Employment Programs.
5.33.920	Records Maintenance; Right to Audit Records.
5.33.930	Right to Inspect Plant or Place of Business.
5.33.940	Contract Cancellation, Contractor Termination Procedures.

Chapter 5.34

PUBLIC IMPROVEMENTS AND CONSTRUCTION SERVICES

5.34.010	Definitions.
5.34.020	Application and Authority.
5.34.040	Affirmative Action.
5.34.100	Overview of Source Selected and Contractor Selection.
5.34.110	Emergency Contracts; Bidding and Binding Exemptions.
5.34.120	Selection of Substitute Contractor.
5.34.130	Joint Cooperative Purchasing.
5.34.140	General Rules for Joint Cooperative Procurements; Fees.
5.34.150	Competitive Bidding Requirement.
5.34.160	Competitive Quotations.
5.34.300	Solicitation Documents; Required Provisions; Assignment or Transfer.
5.34.310	Notice and Advertising Requirements; Posting.
5.34.320	Specifications and Brand Names.
5.34.330	Facsimile Bids and Proposals.
5.33.340	Electronic Procurement.
5.34.410	Bid or Proposal Security.
5.34.420	Pre-Offer Conferences.
5.34.430	Addenda to Solicitation Documents.
5.34.440	Request for Clarification or Change.
5.34.450	Offer Submissions.
5.34.460	Pre-Closing Modification or Withdrawal of Offers.
5.34.470	Receipt, Opening and Recording of Offers.
5.34.480	Late Bids, Late Withdrawals and Late Modifications.
5.34.490	Mistakes.
5.34.493	First-Tier Subcontractors; Disclosure and Substitution.
5.34.500	Responsibility of Offerors.
5.34.510	Prequalification of Offerors.
5.34.520	Eligibility to Bid or Propose; Registration or License.
5.34.530	Disqualification of Persons.
5.34.600	Bid or Proposal Evaluation Criteria.
5.34.610	Offer Evaluation and Award; Determination of Responsibility.
5.34.620	Negotiation With Bidders Prohibited.
5.34.625	Contract Preference; Resident Bidders.
5.34.630	Reciprocal Preferences.
5.34.640	Negotiation When Bids Exceed Cost Estimate.
5.34.645	Rejection of Offers.
5.34.650	Notice of Intent to Award.
5.34.660	Cancellation, Delay or Suspension of Solicitation.
5.34.670	Disposition of Offers if Solicitation Canceled.
5.34.675	Documentation of Award.
5.34.680	Time for City Acceptance; Extension.
5.34.685	Availability of Award Decisions.

5.34.690	Performance and Payment Security; Waiver.
5.34.695	Notification to State of Nonresident Contractor.
5.34.700	Protests and Judicial Review of Individual and Class Exemptions.
5.34.710	Protests and Judicial Review of Multi-Tiered Solicitations.
5.34.720	Protests and Judicial Review of Solicitation Documents and the Solicitation Processes other than Multi-Tier Processes.
5.34.730	Protest of Contractor Selection, Contract Award.
5.34.740	Protests of Other Violations.
5.34.750	Review of Prequalification and Disqualification Decisions.
5.34.760	Purchasing Board of Appeals.
5.34.770	Powers of the Board.
5.34.780	Appeal to Board.
5.34.800	Purpose.
5.34.810	Definitions for Alternative Contracting Methods.
5.34.820	Use of Alternative Contracting Methods.
5.34.830	Findings, Notice and Hearing.
5.34.840	Competitive Proposals; General Procedures.
5.34.850	Requests for Proposals (RFP).
5.34.860	RFP Pricing Mechanisms.
5.34.870	Design-Build Contracts.
5.34.880	Energy Savings Performance Contracts (ESPC).
5.34.890	Construction Manager/General Contractor (CM/GC).
5.34.900	Required Contract Clauses.
5.34.910	Waiver of Delay Damages Against Public Policy.
5.34.920	Retainage.
5.34.930	Fair Contracting and Employment Programs.
5.34.940	Public Works Contracts.
5.34.950	City Payment for Unpaid Labor or Supplies.
5.34.960	Records Maintenance; Right to Audit Records.
5.34.970	Right to Inspect Plant or Place of Business.
5.34.980	Contract Cancellation, Contractor Termination Procedures.

Chapter 5.36

PROPERTY CONTROL

5.36.001	Surplus Property Policy.
5.36.010	Disposition of Surplus Property.
5.36.015	Disposition of Unclaimed and Found Personal Property.
5.36.020	Sale of Buildings for Removal from City Property.
5.25.025	Purchase and Resale by the City of Tax-Foreclosed Property.
5.36.030	Loans of Personal Property Owned by City.
5.36.035	Lost or Stolen City Property.
5.36.040	Parking Meter Fund Equipment.
5.36.050	Use of City Automobiles for Transporting Firing Squads.
5.36.060	Use of Water Bureau Property by Bureau of Shops.

5.36.070	Equipment Pool Rotary Account.
5.36.080	Zoological Specimens.
5.36.090	Gifts and Loans of Property.
5.36.100	Use of City Property for Elections.
5.36.110	Use of City Property for Air Quality Measuring Stations.
5.36.115	Designation of "Persons In Charge."
Chapter 5.40	DEMANDS AND DISBURSEMENTS
5.40.010	Drawing Checks in Payments of Claims.
5.40.020	Certain Demands to be Submitted to Council.
5.40.030	Appropriation to be Charged for All Demands.
5.40.040	Requisitions Required.
5.40.070	Funds Held for Benefit of Police Contributions Committee.
5.40.080	Requisition of Funds for Purchasing Police Evidence.
Chapter 5.48	CHARGES FOR SERVICES PERFORMED
5.48.010	Authorization.
5.48.020	Application and Deposit.
5.48.030	Accounting Procedure.
5.48.035	Bureau of Emergency Communications - Recordings - Rates.
5.48.036	Office of City Attorney and Bureau of Risk Management - Records - Rates.
5.48.040	Collection of Money Due the City.
5.48.050	Improvements Without Assessment.
5.48.060	Interdepartmental Services Authorized.
5.48.070	Accounting Procedure for Interdepartmental Services.
Chapter 5.50	COLLECTIONS SECTION
5.50.010	Collections Section.
5.50.020	Compromise Authorization.
5.50.030	Money Collected.
Chapter 5.52	PETTY CASH AND CHECKS
5.52.010	Petty Cash and Change Accounts.
5.52.020	Cancellation of Checks and Issue of in Lieu Checks.
5.52.030	Cancellation of City Assessments on Mortgage records.
5.52.040	When Checks Are to Be Canceled.
5.52.050	Drawing Checks on Charter Appropriations.
Chapter 5.56	AMBULANCE SERVICE
5.56.010	Police Radio Dispatch Service.
5.56.020	Acceptance by Ambulance Companies.

Chapter 5.60**MISCELLANEOUS CHARGES**

- 5.60.010 Charges For Architectural Services.
- 5.60.040 Employee Lists Furnished by Accounting Division Manager.
- 5.60.050 Licensees' Lists Furnished by License Bureau.
- 5.60.110 Driving City Cars to and from Work
- 5.60.120 Lien Accounting System Access.

Chapter 5.64**MISCELLANEOUS FISCAL PROVISIONS**

- 5.64.010 Fiscal Agency in New York City.
- 5.64.020 Appointment of Deputy Auditors.
- 5.64.030 Treasurer to Cash Credit Union Checks.
- 5.64.040 Bureau of Water Works Accounts.
- 5.64.050 Execution of Releases from Claims for Damages.
- 5.64.060 Cancellation of Refund Checks.
- 5.64.070 Refunds.
- 5.64.090 Investment of Available Funds.
- 5.64.100 Determination of City's Subrogation for Time Loss Payments.
- 5.64.110 Procedure upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.

Chapter 5.68**PROFESSIONAL, TECHNICAL AND EXPERT SERVICE CONTRACTS**

- 5.68.010 Definition.
- 5.68.015 General Requirements – PTE Manual.
- 5.68.020 Application.
- 5.68.030 Public Announcement of Requirements.
- 5.68.035 Authority to Obligate City for Professional, Technical or Expert Services.
- 5.68.040 Process for Services Costing Under and Over the Formal Bid Threshold.
- 5.68.050 Review by City Attorney.
- 5.68.060 Outside Legal Services.
- 5.68.070 Procedure for Selection of Bond Counsel.
- 5.68.080 Contractor's Compliance with Workers' Compensation Requirements.
- 5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts.
- 5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors.
- 5.68.110 Two-Tiered Selection Process.

Chapter 5.72	ECONOMIC DEVELOPMENT PROJECTS
5.72.010	Purpose.
5.72.020	Definitions.
5.72.030	Economic Development - Applications.
5.72.040	Economic Development - Initial Review, Standards.
5.72.050	Housing - Applications.
5.72.060	Housing - Initial Review, Standards.
5.72.070	Initial Determination of Eligibility, Final Approval, Appeals.
5.72.080	General Conditions; Document Preparation and Review.
5.72.090	Application Processing, Financial Considerations.
5.72.100	Administrative Fees.
5.72.110	Bond Issuance.
5.72.120	Reporting Requirements.
 Chapter 5.74	 ACQUISITION OF ART
5.74.010	Purpose.
5.74.020	Definitions.
5.74.030	Dedication.
5.74.040	Public Art Trust Fund.
5.74.050	Siting.
5.74.060	Guidelines.
5.74.070	Ownership.
5.74.080	Decisions.
5.74.090	Implementation.
 CHAPTER 5.75	 CLAIMS UNDER ORS CHAPTER 197
5.75.010	Purpose.
5.75.020	Definitions.
5.75.030	Claim for Compensation.
5.75.040	Form of Claim.
5.75.050	Claim Processing Fee.
5.75.055	Investigation and Recommendation by Program Manager.
5.75.060	City Council Consideration and Disposition of Claim.
5.75.070	Final Resolution of Claim.

TITLE 5

REVENUE AND FINANCE

- b. If the Contractor should repeatedly fail to make prompt payment to Subcontractors or for material or labor; or
 - c. If permitted by law, if the Contractor should voluntarily or involuntarily seek protection under the United States Bankruptcy Code and its Debtor in Possession or Trustee for the estate fails to assume the Contract within a reasonable time, or as provided by the Bankruptcy Court; or
 - d. If the Contractor should make a general assignment for the benefit of the Contractor's creditors; or
 - e. If a receiver should be appointed on account of the Contractor's insolvency; or
 - f. If the Contractor is otherwise in material breach of any part of the Contract; or
 - g. If the Contractor should disregard laws, rules, or the instructions of the City or its Authorized Representative.
 2. Required Response to Declaration of Default. If a default is declared and the Contractor's performance terminated, the Contractor or the surety shall provide the City with immediate and peaceful possession of all of the materials, tools and appliances located on the premises, as well as all other materials whether on the premises or not, on which the Contractor has received any progress payment. Further, the Contractor shall not be entitled to receive any further payment until the Work is completed. On the completion of the Work, the City shall determine the total amount of compensation the Contractor would have been entitled to receive for the Work, under the terms of the Contract, had the Contractor completed the Work. If the difference between this total amount and the sum of all amounts previously paid to the Contractor, (the unpaid balance) exceeds the expense incurred by the City in completing the Work, including expense for additional managerial and administrative services, such excess will be paid to the Contractor, with the consent of the surety;
 3. Expense of Completion. The expense incurred by the City shall be as determined and certified by the City;
- G. Refusal to Perform. In addition to and apart from the above-mentioned right of the City to terminate the Contractor's performance, the Contract may be canceled by the City for any willful failure or refusal on the part of the Contractor and its surety to perform faithfully the Contract according to all of its terms and conditions; however, in such event neither the Contractor nor the surety shall be

TITLE 5

REVENUE AND FINANCE

relieved from damages or losses suffered by the City on account of the Contractor's breach of Contract;

- H.** Remedies Cumulative. The City may, at its discretion, avail itself of any or all of the above rights or remedies and invoke anyone of the above rights or remedies without prejudice and without precluding the City from subsequently invoking any other right or remedy set forth above, or in the Contract, or available at law or in equity;
- I.** Notice. The City shall provide the Contractor Written notice of the grounds for Contract cancellation or Contractor termination and of its intention to cancel the Contract or terminate the Contractor's performance. If the Contractor provided a performance and payment bond, the surety shall also be provided with a copy of the notice of Contract cancellation or Contractor termination. The notice shall include:
 - 1.** The effective date of the intended cancellation or termination,
 - 2.** The grounds for cancellation or termination, and
 - 3.** Notice of the amount of time (if any) in which the City shall permit the Contractor to correct the failure to perform.
- J.** The Contract documents may provide Contract cancellation or Contractor termination procedures that are different from, or in addition to, those provided in PCC Section 5.34.980. If a Contract contains a cancellation or termination clause, that clause rather than PCC Section 5.34.980 shall determine the respective rights and responsibilities of the parties in the event of cancellation or termination.

Chapter 5.36

PROPERTY CONTROL

Sections:

- 5.36.001 Surplus Property Policy.
- 5.36.010 Disposition of Surplus Property.
- 5.36.015 Disposition of Unclaimed Found Personal Property.
- 5.36.020 Sale of Buildings for Removal from City Property.
- 5.25.025 Purchase and Resale by the City of Tax-Foreclosed Property.
- 5.36.030 Loans of Personal Property Owned by City.

- 5.36.035 Lost or Stolen City Property.
- 5.36.040 Parking Meter Fund Equipment.
- 5.36.050 Use of City Automobiles for Transporting Firing Squads.
- 5.36.060 Use of Water Bureau Property by Bureau of Shops.
- 5.36.070 Equipment Pool Rotary Account.
- 5.36.080 Zoological Specimens.
- 5.36.090 Gifts and Loans of Property.
- 5.36.100 Use of City Property for Elections.
- 5.36.110 Use of City Property for Air Quality Measuring Stations.
- 5.36.115 Designation of "Persons In Charge."

5.36.001 Surplus Property Policy.

(Replaced by Ordinance No. 179813, effective January 6, 2006.) It is the policy of the City to dispose of surplus property in the most efficient and cost-effective manner possible in accordance with the guidelines in this Chapter and any related administrative rules or policies. Temporary, full-time and part-time City employees, persons acting on the employee's behalf, and any business with which a City employee is associated, as defined by Chapter 5.33, may not purchase or receive surplus property unless offered for public sale.

5.36.010 Disposition of Surplus Property.

(Replaced by Ordinance No. 179813, effective January 6, 2006.)

A. Definition:

1. "Surplus Property" means: tangible personal property owned by the City, including equipment and materials, which is no longer needed by the City Bureau or Office that owns it. Examples include inventoried and non-inventoried office furniture, specialized equipment, and items that are obsolete or overstocked.

B. City Capital Asset Disposal Documentation: The bureau initiating the transfer, donation, sale, or disposal of surplus property that has been inventoried as a capital asset, shall comply with City Accounting Administrative Rules regarding disposal of capital assets, which establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.

C. City Assets Procured with the Proceeds of Tax-Exempt Bonds: The bureau initiating the transfer, donation, sale, or disposal of surplus property that was procured with the proceeds of tax-exempt bonds should contact the City's debt management office prior to disposal of the property to determine what, if any, limitations exist on the disposal of such property and the use of any revenue derived from such disposal.

TITLE 5
REVENUE AND FINANCE

- D.** Usable Surplus Property: Whenever a Commissioner-In-Charge, or designee, determines that surplus property exists, the property may be disposed of in one of the following ways:
- 1.** Inter-Bureau Transfer or Sale - Surplus property may be transferred or sold to another City bureau upon written request from the director of the bureau that has a use for it.
 - 2.** Negotiated Direct Sale - Surplus property with an individual or aggregate current market value under \$5,000 may be sold as follows:
 - a.** The bureau obtains three written or verbal price quotations prior to final sale;
 - b.** The bureau negotiating the sale keeps written records of the price quotations, the amounts, and if necessary, the reason why three quotations could not be obtained;
 - c.** The bureau sells the surplus property to the highest bidder meeting all conditions of the sale; and
 - d.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.
 - 3.** Public Sale - The City Council may authorize the sale of surplus property through an external auction service. If the City does not have a contract with an external auction service, the bureau may conduct a public auction subject to the following conditions:
 - a.** The bureau shall give notice of such public auction at least once within ten days prior to the date of the auction in a newspaper of general circulation published in the City; such notice shall give the time and place of the auction;
 - b.** The bureau shall sell the surplus property to the highest bidder meeting all conditions of the sale; and
 - c.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then

TITLE 5
REVENUE AND FINANCE

to the City fund owning the property at the time of sale unless otherwise directed by the City Council.

4. Public Sale through State - Surplus property may be sold pursuant to an established intergovernmental agreement with the State of Oregon Surplus Property Program. When surplus property is sent to the State Surplus Program for sale on behalf of the City, a minimum sale price shall first be established when appropriate. Any revenue received from the sale of surplus property through the State Surplus Program shall be credited to the bureau that owned the surplus property.
5. Donation - Surplus property may be donated to the State of Oregon Surplus Property Program, other public agencies, or to charitable organizations certified under the Internal Revenue Code Section 501(c)(3) as follows:
 - a. Donations with an individual or aggregate current market value of \$5,000 or less must be approved by the Commissioner-In-Charge, or designee, of the bureau that owns the property.
 - b. Donations with an individual or aggregate current market value of more than \$5,000 must be approved by the City Council, by ordinance.
 - c. The City shall provide the recipient of donated property with appropriate documentation transferring ownership of the property to the recipient. The recipient shall agree to hold harmless, defend and indemnify the City of Portland, its officers, agents and employees from any claims, demands, actions and suits (including attorney fees) arising from its use or receipt of the surplus property.
 - d. The Director of the Bureau or Office that owned the surplus property shall complete and retain a donation form for each donation made during the fiscal year and submit all forms to the City Auditor at the end of the fiscal year. The donation form shall contain:
 - (1) A description of the surplus property donated; and,
 - (2) The name of the recipient of the surplus property; and,
 - (3) The originating bureau; and,

TITLE 5
REVENUE AND FINANCE

- (4) The estimated market value of the surplus property at the time of donation.

- E.** Unusable Surplus Property: A Commissioner-In-Charge, or designee, may dispose of surplus property if it is determined that the surplus property is unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant a transfer, sale, or donation as prescribed in this Section. In addition to disposing of unusable property in accordance with existing federal, state, or local disposal regulations, every effort shall be made to recycle or otherwise dispose of property in an environmentally sound manner.
- F.** Exempt Property. The following surplus property, whether usable or unusable, shall not be transferred, donated, sold, or otherwise disposed of without Council approval or as otherwise provided by City code, policy, or procedure.
1. Vehicles or Vehicle Equipment.
 2. Corporately-Owned Communications Equipment.
 3. Contraband.
 4. Firearms.
 5. Intangibles.
 6. Hazardous items.
 7. Items of historical value.
 8. Any other item deemed appropriate for exemption from this Section by the Commissioner-In-Charge of the bureau that controls the property.
- G.** Vehicles and Vehicle Equipment: The Director of the Bureau of General Services is authorized to dispose of vehicles and related equipment when the vehicle is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Director. This includes, but is not limited to, competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of City-owned vehicles or vehicular equipment shall be credited to the replacement account for the originating bureau.
- H.** Corporately-Owned Communications Equipment: The Director of the Bureau of Technology Services is authorized to dispose of corporately-owned communications equipment maintained by the Bureau of Technology Services

when such equipment is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Director. This includes, but is not limited to, competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of corporately-owned communications equipment shall be credited to the replacement account for the originating bureau.

5.36.011 Donations of Surplus Personal Property.

(Repealed by Ordinance No. 179813, effective January 6, 2006.)

5.36.015 Disposition of Unclaimed and Found Personal Property.

(Added by Ordinance Nos. 153293 and 167825; effective June 22, 1994.)

- A. Unclaimed Property: Unless directed otherwise by State law or a specific provision of this Code, all tangible personal property not owned by the City, that is under the control of a bureau and not reclaimed after notice has been sent, by the bureau in possession, to all parties who reasonably appear to have an interest in such property, of their right to claim such property within a specified period of time, shall become the property of the City, designated as surplus property, and, shall be disposed of as provided by this Chapter.
- B. Found Property: All tangible personal property not owned by the City that is found by a bureau member and turned into the bureau, shall not become the property of the City until the requirements of the state law regarding the rights and duties of finders and owners of lost property are satisfied. After the requirements of State law are satisfied, found property shall be retained by the bureau which found it if the property is usable by the bureau. If the property is not usable by the bureau which found it, the bureau shall dispose of the property as surplus property as provided by this Chapter.

5.36.020 Sale of Buildings for Removal from City Property.

Whenever a Commissioner determines that a building or other structure assigned to a bureau under his control must be removed, he may authorize the Purchasing Agent to sell such building or other structure for removal by the purchaser. The Purchasing Agent shall use the method of sale which he finds most in the public interest. The Purchasing Agent shall specify terms and conditions of sale, except that such terms shall not include credit, and he shall fix the amount of bond or cash deposit to be given by the purchaser to guarantee removal of the building or structure and clearance of debris from the premises.

5.36.025 Purchase and Resale by the City of Tax-Foreclosed Property.

(Added by Ordinance No. 162023; Amended by Ordinance No. 179813, effective January 6, 2006.)

TITLE 5
REVENUE AND FINANCE

- A.** The provisions of this Section apply to property which meets each of the following conditions:

 - 1.** Property that has outstanding City liens;
 - 2.** Property that has been foreclosed by a county for collection of delinquent taxes; and
 - 3.** Property that has been purchased by a bidder at a county sheriff's sale.
- B.** The Bureau of General Services may purchase and sell property described in this Section without public notice or sale provided:

 - 1.** The Council adopts an ordinance authorizing the Bureau of General Services to purchase property. The ordinance shall include a legal property description; the total amount of outstanding taxes and costs; the total amount of outstanding city liens, accrued interest, penalties and costs; and the source of funds to be used to purchase the property;
 - 2.** Property will be sold to the successful bidder at a county sheriff's sale; and
 - 3.** The Council adopts an ordinance authorizing the property sale and setting forth sale terms. The ordinance shall include the name and address of the successful bidder at the county sheriff's sale and the terms of the City sale. The Council may adopt sale terms and provisions as a part of the ordinance authorizing the purchase of property.
- C.** Sale contracts and other legal documents related to the sale shall be reviewed and approved by the City Attorney prior to the sale. Upon approval as to form by the City Attorney, the Mayor and City Auditor shall be authorized to sign a deed transferring title to the property.
- D.** Proceeds from the sale shall be deposited in the City fund which incurred the expense of purchasing the property from the county unless otherwise directed by the Council in the ordinance authorizing the purchase and sale of the property.
- E.** The Bureau of General Services is authorized to adopt administrative rules and procedures necessary to carry out the provisions of this Section.

5.36.030 Loans of Personal Property Owned by the City.

Each Commissioner and each officer or employee of the City is and shall be hereby prohibited from loaning any personal property owned by the City to any other person either gratuitously or for a consideration, without the consent of the Council expressed by

TITLE 5
REVENUE AND FINANCE

ordinance. However, in the event of extraordinary circumstances involving hazard to the general public occasioned by fire, flood, earthquake, or other public disaster, the Commissioner of any department may permit equipment in his department to be used without the consent of the Council during such extraordinary circumstances upon the written order of the Commissioner; provided that the Chief of the Bureau of Fire may lend or rent to the owner or operator of property damaged by fire, flood, earthquake or other public disaster such equipment of the Bureau of Fire as may be temporarily needed to prevent further damage to such property, and such owner or operator so borrowing or renting such equipment, shall agree with the City:

- A. To hold the City, its officers, agents and employees harmless for any loss or damage caused to the person or property of third persons while such equipment is in the possession of such owner or operator;
- B. To waive any claim for damage to the person or property of such owner or operator arising in whole or in part from the use of such equipment; and
- C. To return such equipment to the Bureau of Fire in as good condition as when received, reasonable wear and tear excepted. Such agreement shall be in writing on forms approved by the City Attorney and shall be filed with the Auditor of the City. Any rentals collected by the Bureau of Fire under such agreements shall be transmitted by the Bureau of Fire to the City Treasurer within 24 hours after receipt by the Bureau, the rentals to be credited to the General Fund.

5.36.035 Lost or Stolen City Property.

(Added by Ordinance No. 151849; effective June 25, 1981.) Any City employee charged with the care or having custody of any City property which is lost or stolen shall immediately, upon discovery that such property has been lost or stolen, report such loss or theft in writing to his bureau or division head. The bureau or division head shall upon receipt of such report, immediately notify the Accounting Division in writing of such loss or theft. The Accounting Division shall make such investigation and report and recommendation as may be deemed appropriate.

5.36.040 Parking Meter Fund Equipment.

All vehicles, equipment, and other things heretofore purchased or which may be purchased in the future from the Parking Meter Fund for the use of any bureau having service to perform in connection therewith, are and shall be assigned to the bureau where used. They shall be inventoried in connection with and as a part of the vehicles, articles, and equipment of such bureau.

5.36.050 Use of City Automobiles for Transporting Firing Squads.

The Commissioner In Charge of any bureau or department having an automobile available shall have the authority to make use of the same in transporting firing squads for veteran's funerals.

TITLE 5
REVENUE AND FINANCE

5.36.060 Use of Water Bureau Property by Bureau of Shops.

The Bureau of Shops shall have the use of the following described property owned by the Bureau of Water:

Lots 1, 2, 3, 4, 10, 11, and the west 40.92 feet of Lot 14; also that portion of Lot 5 lying west of a line drawn from the southeast corner to the northwest corner of said Lot 5; also a portion of Woodward Avenue now vacated, more particularly described as follows:

Beginning at a point in the north line of Lot 14, Water Bureau Addition, said point being north 73 degrees 35'45" west a distance of 26.19 feet from the southeast corner of said Lot 5; thence north 73 degrees 35'45" west 29.91 feet; thence south 89 degrees 44'30" west 92.29 feet to the northwest corner of Lot 10; thence north 0 degrees 15'30" west 50 feet to the southwest corner of Lot 4; thence north 89 degrees 44'30" east 80 feet to the southeast corner of Lot 4; thence south 73 degrees 35'45" east 40 feet to the southeast corner of Lot 5; thence to the point of beginning, all in Water Bureau Addition, in the City of Portland, Multnomah County, State of Oregon, according to the duly recorded plat thereof on file in the office of the clerk of said county and state.

The General Fund shall pay to the Bureau of Water the sum of \$1 per year for the use of such property and the Bureau of Shops shall have the right to construct a building on such real property and maintain the same.

5.36.070 Equipment Pool Rotary Account.

The rotary account in the Department of Public Works known as the Equipment Pool Rotary Account (7040) shall be charged with all operation and maintenance expenditures including personal services on repairs for the equipment used primarily by the Bureau of Design, Survey and Drafting, Bureau of Maintenance, Bureau of Construction and the Bureau of City Engineer and shall be credited with all rental charges for equipment.

5.36.080 Zoological Specimens.

The Director of the City Zoo be, and he hereby is, invested with the authority to accept for and on behalf of the City such gifts and donations of zoological specimens hereafter tendered as in his judgment will be beneficial to the Zoo and of interest to the public; all such gifts and donations and the acceptance thereof to be in writing, signed by the giver or donor and by the Director of the Zoo, substantially as shown in Exhibit "A" hereto attached and by reference made a part hereof. The past actions of the Director as respects the authority herein given, are hereby ratified and adopted.

Exhibit "A"
PORTLAND ZOOLOGICAL PARK
Zoological Specimen Release

IN CONSIDERATION OF THE CITY'S ACCEPTANCE OF THE SPECIMEN
HEREIN DESCRIBED, I HEREBY GIVE AND DONATE TO THE CITY OF
PORTLAND, FOR THE PURPOSES OF THE MUNICIPAL ZOO, THE FOLLOWING

ANIMAL:
Species. Sex. Age.
Physical Condition
How Long in Possession
Where Obtained
Special Remarks.
AND I HEREBY RELINQUISH ALL CLAIM TO SAID SPECIMEN AND/OR ITS PROGENY:
Signed
Address
Date
Accepted for the Zoo by:
Signed
Date
Object Number

5.36.090 Gifts and Loans of Property.

- A. Whenever any real or personal property or the use thereof shall be offered to the City by way of donation, gift, grant, lease, loan or any other manner made available to the City by any person, firm, or corporation for the purpose of bestowing a gift or benefit upon the City, the Mayor hereby is authorized to accept any and all such real or personal property or the use thereof. The Mayor also hereby is authorized to execute any necessary agreement or document and to agree to any reasonable terms and conditions for the gift, grant, lease, loan or other use of such real or personal property. Provided, however, that any such grant, lease or loan by which the City shall be obligated in an amount exceeding \$250 shall first be approved by the Council by special ordinance.

- B. It shall be the duty of all bureau chiefs to promptly report to the Commissioner In Charge, the receipt of any gift, contribution, donation or other use of personal property from any person, firm or corporation for and on behalf of the City so that the Commissioner may cause such property to be promptly included in the City inventory.

5.36.100 Use of City Property for Elections.

The Commissioner In Charge of any property or premises of the City hereby is authorized to permit the use of such premises or facilities as polling places for any election held by the State, county or any municipal corporation.

TITLE 5
REVENUE AND FINANCE

5.36.110 Use of City Property for Air Quality Measuring Stations.

The Commissioner In Charge of any particular parcel of real property owned by the City is hereby authorized to grant permission in writing to any governmental body to install on said real property on a temporary basis an air quality measuring station; provided, however, that no such written permission shall be granted unless and until the requesting governmental body has stated in writing that the temporary installation will be accomplished without injury or damage to the City property and that said governmental body will reimburse City for all costs or expenses to City incident to the installation.

5.36.115 Designation of “Persons In Charge” for Purposes of Excluding Persons From City Property.

(Added by Ordinance No. 161538, effective Feb. 4, 1989.)

- A.** For purposes of ordering persons to leave City property, each Commissioner In Charge is authorized to designate persons in charge of City property within that Commissioner’s assigned bureaus and departments or to which that Commissioner otherwise has authority. The designation shall be made in writing, and any person so designated shall be a “person in charge” as that term is defined in ORS 164.205(5) until the designation is removed by the Commissioner In Charge or the designated person ceases to be an employee or officer of the City of Portland.
- B.** City elected officials and the administrator of each City bureau shall advise the Commissioner In Charge on the selection of individuals to be designated as “persons in charge” of City property, and shall advise the Commissioner In Charge of the City property over which such individuals exercise control. They shall also advise the Commissioner In Charge when the list of designated “persons in charge” is in need of amendment.
- C.** The Commissioner In Charge shall maintain a list of all persons who have been designated as “persons in charge” of City property. Upon request, the City shall provide a copy of the list to the District Attorneys of Multnomah, Clackamas and Washington counties.
- D.** For purposes of this Section, “City property” shall include all real property either owned by the City or in which the City has a property interest.

Chapter 5.40

DEMANDS AND DISBURSEMENTS

Sections:

- 5.40.010 Drawing Checks in Payments of Claims.
- 5.40.020 Certain Demands to be Submitted to Council.
- 5.40.030 Appropriation to be Charged for All Demands.
- 5.40.040 Requisitions Required.
- 5.40.070 Funds Held for Benefit of Police Contributions Committee.
- 5.40.080 Requisition of Funds for Purchasing Police Evidence.

5.40.010 Drawing Checks in Payments of Claims.

(Amended by Ordinance Nos. 139226 and 173369, effective May 12, 1999.) The Mayor and the Auditor shall have the authority to draw checks on City funds upon approved requisition, duly executed contract, or order of the Council when the Auditor has determined that payment is legally due and payable.

5.40.020 Certain Demands to be Submitted to Council.

(Amended by Ordinance No. 173369, effective May 12, 1999.) All demands for expenses of litigation, damages, relief and other demands of like character, except as hereinafter provided, shall be examined by the Auditor and submitted to the Council by him with any recommendations, explanations or information he may deem pertinent thereto. When the demands are approved by the Council, checks shall be drawn in payment thereof.

5.40.030 Appropriation to be Charged for All Demands.

The Auditor hereby is directed to charge all demands for the furnishing of supplies, materials, equipment, etc. to appropriations therefor.

5.40.040 Requisitions Required.

Before any obligation is incurred under the provisions of this Chapter, except emergency purchases as provided in Section 5.32.030 and except specific payments directed by the Council, a requisition properly signed shall be presented to the Auditor in order that he may determine that the proposed expenditure is budgeted and that appropriation is available therefor. Each requisition shall state in detail the articles or services to be purchased and appropriation accounts proposed to be charged.

5.40.050 Payment of the City's Contribution to the Public Employees Retirement Board and the State Industrial Accident Commission.

(Repealed by Ordinance No. 139226; passed Dec. 19, 1974, effective Jan. 20, 1975.)

TITLE 5
REVENUE AND FINANCE

5.40.070 Funds Held for Benefit of Police Contributions Committee.

No money held by the City Treasurer in the Trustee Fund for the benefit of Police Contributions Committee shall be disbursed by him except on written request of the Chief of Police who shall first be advised in writing by the Secretary of the Affirmative Action of the above-named Committee to pay a sum certain to a particular named donee. The Treasurer shall, not later than January 15th of each year, furnish to the Chief of Police a statement showing the amounts received by him for the benefit of the Police Contributions Committee and the amounts paid out by him, if any, and to whom paid. The Chief of Police shall immediately advise the Committee of the contents of the report of the City Treasurer. The Committee shall, not later than January 31st of each year, advise each donor as to the portion of his donation that is tax deductible.

5.40.080 Requisition of Funds for Purchasing Police Evidence.

The Chief of Police is hereby authorized to requisition funds in advance of expenditure for the purchase of evidence against the illegal sale of liquor, gambling or other violations of laws. Each advancement shall be on a memorandum requisition approved by the Commissioner In Charge of the Bureau of Police and charged to the appropriation of the Bureau of Police for evidence procurement. The requisition shall be accompanied by an affidavit signed by the Chief of Police which shall state that the amount of cash to be advanced will be used only for the purpose of evidence against the illegal sale of liquor, gambling or other violations of laws. There shall be no further formal accountability for such funds beyond the affidavit. However, the Chief of Police shall maintain sufficient confidential records to be able to provide a confidential accounting to the Commissioner In Charge on his request.

Chapter 5.44

**EXECUTION OF CONTRACTS
AND BONDS**

(Repealed by Ordinance Nos. 174509
and 174904, effective January 1, 2001.)

Chapter 5.48

**CHARGES FOR SERVICES
PERFORMED**

Sections:

- 5.48.010 Authorization.
- 5.48.020 Application and Deposit.
- 5.48.030 Accounting Procedure.
- 5.48.035 Bureau of Emergency Communications - Recordings - Rates.
- 5.48.036 Office of City Attorney and Bureau of Risk Management - Records - Rates.
- 5.48.040 Collection of Money Due the City.
- 5.48.050 Improvements Without Assessment.
- 5.48.060 Interdepartmental Services Authorized.
- 5.48.070 Accounting Procedure for Interdepartmental Services.

5.48.010 Authorization.

Each Commissioner shall have authority to direct his subordinate employees to perform duly authorized services for private persons or other governmental agencies for all of which services a reasonable charge shall be made as provided in Section 5.48.030.

5.48.020 Application and Deposit.

Before any department or bureau of the City shall perform any service for a private person or other governmental agency, it shall be the duty of the department or bureau to obtain wherever practicable an application in writing requesting such service. A deposit may be required when in the judgment of the head of the department or bureau it shall be deemed necessary to guarantee the payment of the service to be performed. The application shall be retained by the department or bureau performing such services.

5.48.030 Accounting Procedure.

(Amended by Ordinance Nos. 132116, 137528, and 138042; effective April 4, 1974.)
Unless the charge for services performed for private persons or governmental agencies other than the City is specifically fixed by the Charter, by action of the Council or by the Commissioner In Charge, all such services shall be charged for on the basis of actual costs, which shall be computed as follows:

A. Labor.

- 1.** The amount for salaries and wages shall be either:

TITLE 5
REVENUE AND FINANCE

- a.** Actual time computed at the applicable hourly payroll rate when the services being provided require less than the full time of an employee on an annual basis, or
 - b.** Annual salary including vacation, sick leave, holiday and other leave with pay when the services being provided require the full time of an employee on an annual basis.
 - 2.** To the amount for salaries and wages computed under paragraph A.1.a. above, add for the indirect cost of vacation, sick leave, holiday and other leave with pay and for the cost of disability, retirement and insurance as follows:
 - a.** For other than sworn police personnel add 39 percent of salaries and wages.
 - b.** For sworn police personnel add 42 percent of salaries and wages for labor provided at straight time. Add only 15 percent for labor provided at overtime rates.
 - 3.** To the amount for salaries and wages computed under paragraph A.1.b. above, add only for disability, retirement and insurance as follows:
 - a.** For other than sworn police personnel add 21 percent of salaries and wages.
 - b.** For sworn police personnel add 23 percent of salaries and wages provided at straight time only.
- B.** Materials consumed shall be at actual cost including delivery to the City. The Bureau of Water Works shall charge an additional 5 percent for stock handling.
- C.** Services from other City bureaus shall be at actual cost determined in accordance with Section 5.48.070.
- D.** Services provided from non-City sources shall be at actual cost to the City.
- E.** Motorized equipment, trailers, etc., shall be actual time at rates for each particular class of equipment established by the Commissioner In Charge.
- F.** General overhead of 10 percent of the total charges in paragraphs A through E above shall be added, except that the Bureau of Water Works shall add 15 percent.

5.48.035 Bureau of Emergency Communications-Recordings-Rates.

(Added by Ordinance No. 143377; effective March 30, 1977.) The Bureau of Emergency Communications is authorized to charge the following rates or the rate established by a court in a particular case for services rendered in locating and delivering particular segments of tape recordings for court use:

A. Labor.

- 1.** Ten dollars per hour (straight time) for staff time expended for salaries and wages. After FY 1976-77 this rate shall be set equal to the 4-year rate for a police sergeant as approved in the official compensation plan of the City of Portland.
- 2.** Plus 42 percent of the foregoing straight time amount or 15 percent of the foregoing for labor provided at overtime rates for indirect costs for the vacation, sick leave, holiday and leave with pay, and for the cost of disability, retirement and insurance.

B. Material Costs.

- 1.** In addition to the foregoing amount, there shall be charged for material costs, \$6.22 per hour for the time City's recording equipment is in use.

C. General Overhead.

- 1.** To the total of the above there shall be added 10 percent for general overhead.

5.48.036 Office of City Attorney and Bureau of Risk Management - Records - Rates.

(Added by Ordinance No. 151447, effective April 1, 1981.) In making public records available for inspection by members of the public and in providing the members of the public with copies thereof, the office of City Attorney and the Bureau of Risk Management shall charge therefor on the basis of actual costs of making available and copying the records, as set out in Section 5.48.030. This Section shall not apply to those cases in which the charge would be \$5 or less, in which cases the charge shall be the amount set out in Section 5.60.020.

5.48.040 Collection of Money Due the City.

(Amended by Ordinance Nos. 147159, 149198, and 165955; effective November 4, 1992.) The Office of Finance and Administration of the City shall bill for all services performed for other persons by the City and for all City accounts receivable, contracts receivable and grants receivable except for bills and statements regularly sent by the Bureau of Water Works, the City Treasurer, the Risk Management Division, the Assessment Division of the City Auditor's Office and payments made under leases

TITLE 5

REVENUE AND FINANCE

managed by the Bureau of General Services.

It shall be the duty of the officers of various departments, bureaus and divisions of the City to furnish the Office of Finance and Administration, daily, a list or journal of all charges that are to be billed, together with supporting data.

If payment of a City bill sent by the Office of Finance and Administration is not received within 30 days after the date of billing, it shall be delinquent. It shall be the duty of the Office of Finance and Administration to pursue collection of these delinquent accounts using appropriate collection methods. When collection efforts do not result in payment, invoices will be forwarded to the City Attorney for collection, or in appropriate cases to the City Auditor's Office to submit to the Council an ordinance assessing the unpaid bill upon property chargeable therewith. The Director of the Bureau of Administrative Services may select delinquent accounts to refer to a collection agency if the director deems such referral appropriate.

Interest of 1 percent per month shall be charged on all bills which remain unpaid for 30 days or more after the invoice billing date. Interest shall be computed from the invoice date and compounded monthly.

The Director of the Bureau of Administrative Services may add a rebill charge to delinquent accounts. The rebill charge shall be the greater of \$5.00 or 25 percent of the amount which is delinquent, up to a maximum charge of \$25.00. The rebill charge may be reassessed every 60 days, until the account is paid, assessed, canceled or waived.

The Director of the Bureau of Administrative Services may offer an early payment incentive discount of up to 2 percent on any or all invoices paid within 10 days of the billing date.

5.48.050 Improvements Without Assessment.

(Amended by Ordinance No. 144020; effective July 11, 1977.)

A. Whenever the City is requested to construct an improvement without using assessment procedures, and the improvement is to be constructed under contract in the name of the City, the person or agency submitting the request shall make an advance deposit into the Trustee Fund to protect the City against loss on account of obligations to be assumed in connection with the improvement. The advance deposit shall cover the following items:

- 1.** Estimated amount of the contract for the improvement;
- 2.** A fee for engineering and superintending equal to the engineer's estimate of the cost of providing such services. Use accounting procedure 5.48.030.
- 3.** Overhead of City in advertising for bids, preparing the contract, disbursing funds, etc., at 1/2 percent of the estimated contract amount with a minimum of \$100.

**TITLE 5
REVENUE AND FINANCE**

Additional deposits may be required by the Commissioner In Charge at any time he may deem necessary to protect the City.

- B.** Advertising for bids and executing contract shall be authorized only by the City Council. In no event shall a contract be awarded for more than 93 percent of the funds on deposit.
- C.** The deposited funds shall be disbursed by the City Treasurer on order of the Commissioner In Charge of the improvement project and after approval by the City Auditor. Disbursements shall be made as follows:
 - 1.** Contract payments shall be paid directly to the contractor;
 - 2.** Engineering fees and overhead shall be paid to the appropriate fund as revenue after the final cost of the contract has been determined.
 - 3.** Prior to the issuance of the certificate of completion by the City Engineer the fees charged to the permittee will be adjusted to agree with the actual costs of services as recorded by the City Engineer. The remaining balance, if any, after payment of all costs shall be returned to the permittee. If additional funds are required of the permittee, they shall be paid prior to the issuance of the certificate of completion.

5.48.060 Interdepartmental Services Authorized.

Each Commissioner shall have power and authority, in the direction of activities of his department, to use the officers, employees, material, and equipment in different bureaus or divisions of such department whenever in his judgment the most efficient and economical administration of the affairs of his department requires; provided, that the appropriations carrying the cost of such services shall be reimbursed by calculating the cost of such services as hereinafter provided. Each Commissioner shall also have authority to direct his subordinate employees to perform duly authorized services for other bureaus or departments, for all of which services a reasonable charge shall be made.

5.48.070 Accounting Procedure for Interdepartmental Services.

Unless a specific charge is fixed by the Council, by Charter or by the Commissioner In Charge, for services rendered under the provisions of Section 5.48.060, all such services for other bureaus or departments within the same fund or another fund shall be charged for on the same basis as work performed for private persons as provided in Section 5.48.030, except that stock handling costs under Section 5.48.030 B, and general overhead under Section 5.48.030 F shall not be added.

TITLE 5
REVENUE AND FINANCE

Chapter 5.50

COLLECTIONS SECTION

(Added by Ordinance No. 147159; passed
and effective Feb. 1, 1979.)

Sections:

- 5.50.010 Collections Section.
- 5.50.020 Compromise Authorization.
- 5.50.030 Money Collected.

5.50.010 Collections Section.

- A.** A Collections Section shall be established within the Risk Management Division. This Section shall be responsible for the investigation, billing, collection and compromise of accounts receivable generated by losses suffered by the City including, but not limited to, vehicle accidents, street light and traffic accidents, property damage for vandalism or negligence and theft, and claims by the City for services rendered without a formal contract including, but not limited to property board ups, but not any claim for which the City may impose a lien. If necessary, the Collections Section may assign individual accounts to outside collection agencies. This Section shall also be responsible for gathering cumulative data necessary for establishing methods to remove or reduce the causes of such losses in the future.
- B.** The bureau sustaining the loss or damage shall send a report to the Collections Section within 2 working days from the date of loss or damage. The bureau shall supply all information relating to the loss to the Collections Section and shall cooperate with and assist the Collections Section in the investigation and collection of such loss or damage.
- C.** The Collections Section shall recommend that the City Attorney institute suit in appropriate cases. The City Attorney shall institute legal proceedings for the City in any court or tribunal upon direction of the Council or with the approval of the Commissioner of Finance and Administration and for good cause shown.
- D.** Nothing in this Chapter shall be applicable to accounts receivable arising under any contract.

5.50.020 Compromise Authorization.

The Collections Section with the approval of the Commissioner of Finance and Administration is authorized and directed to effect compromises in all cases where in the judgment of the collections Section, substantial justice can thus be achieved. These compromises are authorized in all cases involving an original claim of \$5,000 or less.

Where the amount of the original claim is greater than \$5,000 but less than \$10,000, the Collections Section with the approval of the Commissioner of Finance and Administration is authorized to accept compromises which provide for payment to the City of not less than 50 percent of the amount of the original claim. Where the amount of the original claim is greater than \$10,000, the Collections Section with the approval of the Commissioner of Finance and Administration is authorized to effect compromises which provide for payment to the City of not less than 75 percent of the original claim. Where the amount of the original claim is greater than \$5,000, lesser amounts than herein specified may be accepted in compromise only with Council approval. The Collections Section with the approval of the Commissioner of Finance and Administration is authorized to cancel accounts receivable invoices of under \$5,000 in amount or accept promissory notes or confessions of judgment where in the judgment of the Collections Section, substantial justice can thus be achieved.

All compromises shall be in writing utilizing forms approved by the City Attorney.

5.50.030 Money Collected.

All monies collected by the Collections Section will be credited to the appropriate City fund less a service charge of 15 percent for all claims for damages to its property against any third party tort-feasors arising out of an accident or incident. A 25 percent service charge will be required if necessary to assign to an outside collection agency. This service charge will be credited to the Insurance and Claims Fund. Financial records of amounts recovered will be cumulated and maintained by the Collections Section indicating the bureau and fund for which such amounts are recovered.

Chapter 5.52

PETTY CASH AND CHECKS

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

Sections:

- 5.52.010 Petty Cash and Change Accounts.
- 5.52.020 Cancellation of Checks and Issue of in Lieu Checks.
- 5.52.030 Cancellation of City Assessments on Mortgage records.

TITLE 5

REVENUE AND FINANCE

- 5.52.040 When Checks Are to Be Canceled.
- 5.52.050 Drawing Checks on Charter Appropriations.

5.52.010 Petty Cash and Change Accounts.

(Amended by Ordinance Nos. 135063, 138943, 141163, 146673, 152320, 162106; 169321 and 177676, effective July 9 2003.)

- A.** Council by ordinance has authorized various offices of the City government to have petty cash and change funds. The Chief Administrative Officer shall approve establishment, closure, and administer changes to these funds, effective July 9, 2003. Petty cash accounts shall be for incidental expenditures and change cash accounts shall be for the purpose of making change at authorized locations and activities.
- B.** The amount of each purchase from petty cash accounts shall not exceed \$100 unless approved in writing by the Bureau Manager.
- C.** A petty cash account exceeding \$1,000 may be maintained as a checking account designated "City of Portland, Bureau of _____, (Title of Account.)" Such accounts shall be the responsibility of the individual bureaus/agencies, which will:
 - 1.** Authorize in writing three signatures for each account.
 - 2.** Require two signatures on each check.
 - 3.** Establish a dollar limit for each check.
 - 4.** Establish a control system for the account.
 - 5.** Provide for audit procedures.

The City Treasurer shall provide technical assistance to the bureaus/agencies in the establishment of such accounts.

- D.** Reimbursement from petty cash accounts may be made to employees for the purchase of safety shoes and/or rain gear as provided in labor contracts with the City. Such reimbursements for these specific purchases shall be restricted to the \$100 limitation for petty cash purposes.

5.52.020 Cancellation of Checks and Issue of in Lieu Checks.

(Amended by Ordinance No. 173369, effective May 12, 1999). The Mayor and Auditor shall have the authority to cancel any City check issued for the payment of money and to issue in lieu thereof one or more checks; provided, that in lieu checks shall be drawn

TITLE 5
REVENUE AND FINANCE

against the same fund and shall not exceed in the aggregate the amount of the check cancelled; and provided further, that such in lieu checks shall state on the face thereof the numbers and date of the check in lieu of which they are issued. In the event that a check is claimed to have been lost, stolen, or destroyed the payee or holder shall promptly give notice to the City Treasurer to stop payment and file with the Auditor a request for a new check which shall include a statement of facts concerning the claimed loss, theft or destruction of the check. The Mayor and the Auditor shall have the authority to issue a new check in place of the lost check; provided, however, that before delivery of the substitute check, the Auditor shall require from the payee a document relieving the City, its officers and employees from all harm in connection with the drawing and delivery of the substitute check, which document shall be approved as to form by the City Attorney.

5.52.030 Cancellation of City assessments on Mortgage Records.

The City Auditor is hereby authorized and empowered to cancel when paid, any and all assessments which have been or may be entered in the mortgage records for the cost of constructing sewers, drains, and all works necessary therefor by the City. Such cancellations may be made by endorsing a cancellation on the margin of the record as in case of release of mortgage or by executing and acknowledging a formal instrument of cancellation. Such cancellation shall be made only where payment has been duly received by the City Treasurer and duplicate copy of the receipt for such payment has been presented to the City Auditor.

5.52.040 When Checks Are to Be Canceled.

(Amended by Ordinance No. 173369, effective May 12, 1999.) At the close of each fiscal year the Auditor of the City is hereby authorized and directed to cancel all checks the date of which shall be in excess of 6 years prior to the time of such cancellation.

5.52.050 Drawing Checks on Charter Appropriations.

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Mayor and the Auditor shall draw checks on the appropriations provided for by Section 2-108 and Section 2-105 (14) of the Charter when a memorandum requisition for funds has been submitted to the Auditor which has been signed personally by the Commissioner of Finance and Administration. The proceeds from the checks shall be held by the Commissioner of Finance and Administration for disbursement.

5.52.060 Establishing Checking Account and Providing for Payment of Certain Refunds by Check.

(Repealed by Ordinance No. 177676, effective July 9, 2003.)

TITLE 5
REVENUE AND FINANCE

Chapter 5.56

AMBULANCE SERVICE

Sections:

- 5.56.010 Police Radio Dispatch Service.
5.56.020 Acceptance by Ambulance Companies.

5.56.010 Police Radio Dispatch Service.

In order to prevent a duplication or multiplicity of ambulance service at the scene of any emergency or disaster, the Bureau of Police Radio Dispatcher will notify by direct phone furnished by the ambulance operator, the ambulance nearest the emergency or disaster scene. In consideration for the emergency dispatching service herein provided for, the private ambulance operators shall pay to the City the sum of \$600 per month. Each ambulance operator shall pay monthly a sum equal to \$600 divided by the number of ambulance companies participating in the dispatching service.

All monies due the City by the terms of this Section shall be paid by the 10th day of the month following the month in which dispatching service was furnished. All such money received by the City shall be credited to the General Fund Revenue Account, police charges, Code 432.

5.56.020 Acceptance by Ambulance Companies.

No monies shall be paid out or received by the City under the authority contained in this Chapter until the ambulance company requesting payment from the City or offering payment to the City shall have executed an acceptance of the terms of this Chapter in writing in form approved by the City Attorney.

Chapter 5.60

MISCELLANEOUS CHARGES

Sections:

- 5.60.010 Charges For Architectural Services.
5.60.040 Employee Lists Furnished by Accounting Division Manager.
5.60.050 Licensees' Lists Furnished by License Bureau.
5.60.110 Driving City Cars to and from Work
5.60.120 Lien Accounting System Access.

TITLE 5
REVENUE AND FINANCE

5.60.010 Charges For Architectural Services.

(New Section substituted by Ordinance No. 136092; passed and effective March 1, 1973.) Services performed by the Bureau of Architectural Planning for a service financed from a City fund other than the General Fund or by another governmental agency shall be charged for at the rate of 165 percent of the salary rates of the individuals working on the project. Services which are to be provided shall be undertaken only on approval of the Commissioner In Charge. Services to be charged for shall be authorized only after it has been determined that funds are available for payment.

5.60.020 Public Records Copy Charges.

(Repealed by Ordinance No. 156910, effective Dec. 26, 1984.)

5.60.040 Employee Lists Furnished by the Accounting Division Manager

(Amended by Ordinance No. 155770, April 4, 1984.)

- A. Upon written application, the Accounting Division Manager may furnish to any applicant a list of names of City employees.
- B. The Accounting Division Manager may charge a fee for providing such information with such fee determined by the Accounting Division Manager to be reasonable and approximating the cost to the City of providing the information.
- C. The information provided by the Accounting Division Manager pursuant to this Section shall be limited to names of employees only, and shall not include addresses, or phone numbers.
- D. This Section is not intended to prevent, nor is it related to, the verification of personal information provided voluntarily by employees to others.

5.60.050 Licensees' Lists Furnished by License Bureau.

Upon written application accompanied by the fee hereinafter set out, the Bureau of Licenses may furnish to any applicant a list of licensees. The fee for such list shall be as follows:

- A. For any list containing the names of not more than 15,000 licensees, the fee shall be \$250;
- B. For any list containing the names of more than 15,000 licensees, the fee shall be in addition to the above, \$1 for each 100 names or fraction thereof.
No list of names of licensees shall be furnished to any person not a City employee without the prior approval of the City Licenses Director.

TITLE 5 REVENUE AND FINANCE

5.60.110 Driving City Cars to and from Work.

(Amended by Ordinance Nos. 141835, 142504, 154639, 157641; 168313, 173369, and 176872, effective August 28, 2002.)

- A.** Employees authorized to drive City vehicles to and from their place of residence shall pay to the City a rental charge for each accounting period of use.
If there is more than one City employee commuting in the same vehicle, the charge to the passenger will be equal to that of the driver. It shall be the responsibility of bureaus to report to the Accounting Division vehicles used as commuting vehicles.
Payroll deductions for rental charges shall be made from the employee's second payroll check of the month. Submission of the Personal Use of City Vehicle form is required upon vehicle assignment, cancellation, or when reduction is requested by Friday of the payroll submission week.
- B.** Credit will be given when total consecutive working days of nonuse exceed working days.
- C.** Requests for authorization to drive City vehicles to and from work must be approved by the employee's bureau manager and the employee's Commissioner In Charge.

5.60.120 Lien Accounting System Access.

(Added by Ordinance No. 159619; amended by Ordinance No. 176577, effective July 1, 2002.) Access to the City's automated Lien Accounting System shall be provided by internet access. Fees for use of the System by internet will be assessed on a per search basis. The City Auditor shall set the fee per search and the fee may be adjusted annually. Agencies and individuals not affiliated with the City of Portland shall be billed monthly for searches on the System.

Chapter 5.64

MISCELLANEOUS FISCAL PROVISIONS

Sections:

- 5.64.010 Fiscal Agency in New York City.
- 5.64.020 Appointment of Deputy Auditors.
- 5.64.030 Treasurer to Cash Credit Union Checks.
- 5.64.040 Bureau of Water Works Accounts.

TITLE 5
REVENUE AND FINANCE

- 5.64.050 Execution of Releases from Claims for Damages.
- 5.64.060 Cancellation of Refund Checks.
- 5.64.070 Refunds.
- 5.64.090 Investment of Available Funds.
- 5.64.100 Determination of City's Subrogation for Time Loss Payments.
- 5.64.110 Procedure upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.

5.64.010 Fiscal Agency in New York City.

The National Bank of New York, New York City, State of New York, shall be the fiscal agency in New York City for the City.

5.64.020 Appointment of Deputy Auditors.

The Auditor of the City shall have the authority to appoint as his deputies with power to act for and in his behalf any and all persons employed in the Office of the Auditor of the City. The authority hereby conferred shall in no way affect the classifications or salaries of employees so appointed, the authority being conferred merely for the purpose of facilitating the transactions of business in the office of the City Auditor.

5.64.030 Treasurer to Cash Credit Union Checks.

The City Treasurer is hereby authorized and directed to accept and cash checks properly drawn by the City Employees' Credit Union, signed by the Treasurer and countersigned by the President and Vice President. It shall be the duty of the Secretary of the City Employees' Credit Union to file with the City Treasurer annually at the time of election of officers of the credit union a certificate showing the name of the President, Vice-president and Treasurer of the Credit Union. In the event any change is made in the organization of the Credit Union whereby any other officers or individuals are authorized to sign or countersign checks, the same shall be immediately transmitted to the City Treasurer by the Secretary by the filing with the City Treasurer of a certificate so stating. In the event any change in officers is made at any time during the year the same shall be immediately transmitted to the City Treasurer in like manner.

5.64.040 Bureau of Water Works Accounts.

The Auditor of the City is hereby directed to exercise the same supervision and authority over the accounts and financial affairs of the Bureau of Water Works as he is authorized, directed, and required by the Charter and ordinances of the City to exercise over other bureaus.

5.64.050 Execution of Releases from Claims for Damages.

The City Treasurer, or Deputy Treasurer, in the absence or inability to serve of the City Treasurer, is hereby authorized upon receiving payment in full of claims for damages, to execute and deliver on behalf of the City a formal release and discharge of and from any

TITLE 5

REVENUE AND FINANCE

further liability upon such claim; provided, that such release be first approved by the City Attorney.

5.64.060 Cancellation of Refund checks.

The City Treasurer shall cancel outstanding refund checks after 6 years. The amount represented by such checks shall be transferred from the refund account to the General Fund. In order that persons having refunds due which are represented by outstanding refund checks may not be precluded from establishing their right to such refund in the future, any person entitled to a refund, for which refund a check has been issued and has not been presented for payment within 6 years, and which refund has been canceled under the provisions of this Section, may petition the Council at any time for the allowance of such refund. The Council may after hearing upon such claim allow and pay the amount of such refund from the General Fund. Such payment however shall be made only by ordinance.

5.64.070 Refunds.

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

- A.** The Mayor and Auditor are authorized to draw checks making refunds for any purpose except as provided in Subsection B below. A check may be drawn when a properly signed memorandum requisition is presented which contains a statement showing the necessity for the refund and the amount thereof, or which is supported by such statement. The statement shall bear the approval of the bureau head responsible for determining the amount of refund and he shall initiate the necessary requisition. A refund in any amount may be paid from petty cash if funds are available and if the required statement is submitted.
- B.** The Mayor and Auditor are authorized to draw checks for the refund of assessments paid in error after such refunds have been properly recorded in the Auditor's refund register, provided that no refund shall be made on account of assessments paid where the description of property assessed is found to be erroneous unless such refund is first authorized by Council.
- C.** A refund shall be charged against appropriations if the amount to be refunded was previously credited to a budgetary fund. It shall be charged to the fund receipts previously credited if the amount to be refunded was credited to a nonbudgetary account.

5.64.090 Investment of Available Funds.

The City Treasurer hereby is authorized to invest any uninvested surplus balance to the credit of the General Fund or any sinking fund or special fund in interest bearing securities such as may be lawfully held by the City under Section 7-105 of the City Charter. The Treasurer may purchase such securities on the open market and may bid on new issues of such securities. The Treasurer may sell such securities on the open market,

if there is an established market therefor, as necessary to meet the cash needs of the various funds.

The authority herein granted to the Treasurer may only be exercised with the approval of the Commissioner of Finance and Administration and, in the case of the investment of sums held in special funds or sinking funds, with the approval of Commissioner In Charge of the budget of such sinking fund or special fund.

5.64.100 Determination of City's Subrogation for Time Loss Payments.

The City Attorney shall determine the amount of any City claim under Charter Section 2-608 for time loss payments made to any officer or employee of the City. In making such determination the City Attorney shall consider the amount of time loss paid by the City, the amount of recovery, the nature and degree of the injury, the costs and expenses incident to the injury or to the recovery of damages, the testimony and evidence insofar as the same is conveniently available, the legal factors involved and all other facts and circumstances which he finds relevant to the particular situation. A tentative determination of the City claim may be made prior to recovery if the City Attorney finds it to be appropriate to assist in settlement of the claim of the officer or employee against another person. Such determination by the City Attorney on the basis of settlement or adjudication of the claim of the officer or employee shall in each case be deemed the amount of the City's claim by subrogation.

5.64.110 Procedure Upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.

In all cases where the City acquires a parcel of real property by purchase, gift, trade or otherwise, and the City is obligated to pay an outstanding lien and/or assessment with or without accumulated interest, the officer or Commissioner In Charge of the department or bureau acquiring the real property shall be responsible for the payment of the outstanding lien and/or assessment with accumulated interest, if any, from the appropriate fund at the time of acquisition.

TITLE 5
REVENUE AND FINANCE

Chapter 5.68

**PROFESSIONAL, TECHNICAL AND
EXPERT SERVICE CONTRACTS**

(Chapter Replaced by Ordinance No.
177244, effective July 1, 2003.)

Sections:

- 5.68.010 Definition.
- 5.68.015 General Requirements – PTE Manual.
- 5.68.020 Application.
- 5.68.030 Public Announcement of Requirements.
- 5.68.035 Authority to Obligate City for Professional, Technical or Expert Services.
- 5.68.040 Process for Services Costing Under and Over the Formal Bid Threshold.
- 5.68.050 Review by City Attorney.
- 5.68.060 Outside Legal Services.
- 5.68.070 Procedure for Selection of Bond Counsel.
- 5.68.080 Contractor's Compliance with Workers' Compensation Requirements.
- 5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts.
- 5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors.
- 5.68.110 Two-Tiered Selection Process.

5.68.010 Definition.

For the purposes of this ordinance, "professional, technical and expert" shall refer to any individual or group, excluding regular City employees, who, for a fee, provides services or gives professional advice regarding matters in the field of their special knowledge or training, including but not limited to: planners, architects, engineers, lawyers, accountants, doctors, dentists, ministers, and counselors in investments, insurance, advertising, graphics, training, public relations, communications, data processing and management systems. Such contracts may include incidental materials such as written reports, architecture or engineering renderings, and similar supplemental materials. The Purchasing Agent shall have authority to classify those services not specifically addressed in this provision.

5.68.015 General Requirements– PTE Manual.

The Purchasing Agent of the Bureau of Purchases shall create and publish a Professional, Technical and Expert (PTE) Services Manual that shall govern selection and award of PTE contractors. The Purchasing Agent may amend the PTE Manual to ensure that the interests of the public and PTE contractors are fully served and that the process promotes

accountability and competition among all segments of the citizens of Portland. The PTE Manual shall include procedures providing for adequate notice of contract award to potential contractors and shall provide the exclusive means by which selection decisions may be protested before the contract is executed.

5.68.020 Application.

(Amended by Ordinance No. 179802, effective December 7, 2005.)

- A.** This Chapter shall apply to City procurement of professional, technical and expert services, except those required for the processing of any claim for workers' compensation benefits, the determination of any prospective or current City employee's ability to work or return to work, for the determination of any reasonable accommodation that may be made to any job classification in the City, or for selection of expert witnesses or outside legal counsel by the City Attorney, except as provided by PCC 5.68.050.
- B.** If any emergency as defined in the PTE Manual exists the Purchasing Agent may authorize selection of a contractor without following the requirements of this Chapter.
- C.** If the services or expertise required for a project are only available from a "sole source" as defined in the PTE Manual, then the Purchasing Agent may authorize selection of a contractor without following these requirements.
- D.** The Purchasing Agent shall include all emergency and sole source contracts in periodic reports to the Council.

5.68.030 Public Announcement of Requirements.

The Professional, Technical and Expert Services Manual shall set forth the procedures to be followed by all bureaus in announcing and advertising City PTE projects. The procedures in the Manual shall be designed to make information about such projects readily available to interested PTE vendors, including M/W/ESB firms. From time to time, the City may adopt programs designed to promote competition, enhance economic opportunity and stimulate hiring among all of Portland's citizens. When such programs are adopted, the Purchasing Agent shall take steps to ensure that all PTE vendors wishing to enter into contracts with the City are aware of their requirements.

5.68.035 Authority to Obligate City for Professional, Technical or Expert Services

All professional, technical or expert services contracts or purchase orders shall be in writing in a form approved by the City Attorney as provided in section 5.68.050. The Purchasing Agent, or designee, is authorized to execute contracts for PTE services required by the City in any amount not exceeding \$100,000 without the need for an ordinance specifically authorizing the contract if the contract is included within the current fiscal year budget of the bureau seeking the contract. In addition, the Purchasing

TITLE 5

REVENUE AND FINANCE

Agent has authority to execute amendments to such contracts, provided that such amendments do not in the aggregate exceed 25% of the original contract amount. Otherwise, the original contract or contract amendment must be approved by the City Council. The Purchasing Agent is authorized, but not required, to waive any procedural irregularities in the PTE selection process provided the irregularities had no material affect on the selection of the proposed contractor.

5.68.040 Process for Services Costing Under and Over The Formal Bid Threshold

The informal/formal bid threshold is set annually by the City Auditor pursuant to City Charter Sections 8-104 and 8-105. The PTE Manual shall set forth the procedures to be followed in soliciting PTE services both under and over the formal bid threshold.

5.68.050 Review by City Attorney and Purchasing Agent.

- A.** The City Attorney and the Purchasing Agent shall review and approve the form of all Requests for Proposals, Requests for Qualifications and other similar solicitation documents for all PTE contracts to exceed \$100,000, prior to issuance.
- B.** The City Attorney or designee shall approve the form of all PTE contracts and shall ensure that all required documentation, including, but not limited to insurance, is present before the contract is executed. Such approval shall occur before work begins. If the proposed PTE contract exceeds \$100,000, the City Attorney shall review and approve the form of the proposed contract prior to issuance of any Request for Proposals or Request for Qualifications.

5.68.060 Outside Legal Services.

(Amended by Ordinance No. 179802, effective December 7, 2005.)

- A.** Except as specifically exempted by this Section, and in addition to the other requirements of this Chapter for professional, technical and expert service contracts, the following procedures and requirements shall apply to any contracts for legal services to be provided by attorneys outside of the Office of the City Attorney.
 - 1.** All City bureaus and agencies shall submit in writing to the City Attorney all requests for legal services from outside the City Attorney's Office before any agreement is made to obtain any such outside legal services.
 - 2.** The Purchasing Agent has the authority to sign and approve contracts and contract amendments for outside counsel to the same extent as other contracts for professional, technical and expert services. However, all billings and invoices for outside legal counsel's services shall be directed to the City Attorney for review and approval prior to payment.

TITLE 5
REVENUE AND FINANCE

3. The Purchasing Agent shall not process any purchase requisition for outside legal services without the written approval of the City Attorney or his/her designee.
4. The Accounts Payable Division shall not process for payment any billing or invoice for outside legal services without the written approval of the City Attorney or his/her designee.
5. The provisions of this Section shall not apply to selection of bond counsel, which shall be selected in accordance with Section 5.68.080 of this Code, however, all billings and invoices of bond counsel shall be directed to the City Attorney for review and approval prior to payment.

5.68.070 Procedure for Selection of Bond Counsel.

- A. At the time a bureau determines it will need bond counsel for a project or series of projects, the bureau will notify the City Attorney. The City Attorney or designate shall notify each counsel listed in the Oregon Section of the Bond Buyer's Directory of Municipal Bond Dealers (Red Book), requesting that those interested in serving as bond counsel for the project or series of projects submit proposals. The notice shall indicate the nature of the project or series of projects, the type and approximate amount of bonds, the approximate date for the sale or sales of bonds, the bond counsel services required, and the date proposals are due.
- B. Those counsel interested shall provide the following information to the City Attorney:
 1. A statement of the fee arrangement proposed by the firm.
 2. Such other information as the City Attorney deems appropriate.
- C. On receipt of the proposals the City Attorney shall refer them to a consultant selection committee consisting of the City Attorney or his or her designate; the Director of the Office of Fiscal Administration or his or her designate; and the Bureau Chief or his or her designate. The Committee shall consider only firms that are listed in the Red Book. The Committee may interview any or all firms, including more than once. The Committee may authorize firms to modify their proposals during the interview period.
- D. The Consultant Selection Committee shall select a law firm to serve as bond counsel for the project or series of projects. The selection shall be based on fee, experience, or such other criteria as the Committee deems appropriate.

TITLE 5

REVENUE AND FINANCE

5.68.080 Contractor's Compliance with Workers' Compensation Requirements

Prior to the performance of any work under a professional, technical or expert services contract awarded by the City, a contractor shall comply with the Workers' Compensation Law, ORS Chapter 656, as it may be amended, and if Workers' Compensation Insurance is required by ORS Chapter 656, shall maintain coverage for all subject workers as defined by ORS Chapter 656, and shall maintain a current, valid certificate of Workers' Compensation Insurance on file with the City Auditor for the entire period during which work is performed under the contract.

5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts

A. The City shall use a qualifications based selection process for the selection of architects, engineers and land surveyors (hereinafter collectively called “consultants”) if the requirements of ORS 279.057(9) are met and:

- 1.** That process is required as a condition of receiving federal grant funds; or
- 2.** The City receives money from the State Highway Fund pursuant to ORS 366.525, 366.800 or a grant or loan from the State of Oregon that will be used to pay for any portion of the design and construction of a public improvement project, provided:
 - a.** The total amount of any grants, loans or moneys from the State Highway Fund and from the State of Oregon for the project exceeds 35% of the value of the project; and
 - b.** The value of the project exceeds \$400,000.

B. As used in this Section:

- 1.** An “architect” is a person who is qualified, licensed, registered and holds a valid certificate in the practice of architecture in the State of Oregon, as provided in ORS 671.010 to 671.220, and includes without limitation the terms “architect,” “registered architect” and “licensed architect.”
- 2.** An “engineer” is a person who is registered, and holds a valid certificate, in the practice of engineering in the State of Oregon, as provided in ORS 672.002 to 672.325, and includes all terms listed in Ors 672.002(2).
- 3.** A “land surveyor” is a person who is registered, and holds a valid certificate, in the practice of land surveying in the State of Oregon, as provided by ORS 672.002 to 672.325 and includes all terms listed in ORS 672.002(4).

- C.** The City may use a qualifications based selection process in circumstances other than those required by Section 5.68.090A if the Purchasing Agent determines that such a selection process will best serve the public interest.
- D.** Evaluation and Negotiation: The PTE Manual shall set forth the evaluation and negotiation process to be used when a qualifications based selection process is utilized.

5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors

- A.** For purposes of this section the terms “architect,” “engineer,” “land surveyor,” and “consultants” shall have the same meaning as found in Section 5.68.090.
- B.** Notwithstanding Section 5.68.090, the City may enter into a personal service contract directly with a consultant if the project described in the professional, technical or expert services contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in earlier contract with the consultant that was awarded pursuant to rules adopted by the City at the time the consultant originally was hired and the new contract is a continuation of that project, provided that the other requirements of this Chapter are met.

5.68.110 Two-Tiered Selection Process

- A.** For purposes of this section the terms “architect,” “engineer,” “land surveyor,” and “consultants” shall have the same meaning as found in Section 5.68.090.
- B.** Where the City desires to hire an architect, engineer or land surveyor for a public improvement it owns and maintains, and a State agency will act as the lead Public Contacting Agency, as provided for in OAR 137-035-0065, the selection of the consultant shall be from among the three most qualified Consultants identified by the State Agency or from an alternative process adopted by the City, consistent with the Request for Proposals, Request for Qualifications or other solicitation document.

TITLE 5
REVENUE AND FINANCE

Chapter 5.72

**ECONOMIC DEVELOPMENT
PROJECTS**

(Added by Ordinance No. 145441; amended by
149771, 155942, 157012; and 157226
effective May 13, 1985.)

Sections:

- 5.72.010 Purpose.
- 5.72.020 Definitions.
- 5.72.030 Economic Development - Applications.
- 5.72.040 Economic Development - Initial Review, Standards.
- 5.72.050 Housing - Applications.
- 5.72.060 Housing - Initial Review, Standards.
- 5.72.070 Initial Determination of Eligibility, Final Approval, Appeals.
- 5.72.080 General Conditions; Document Preparation and Review.
- 5.72.090 Application Processing, Financial Considerations.
- 5.72.100 Administrative Fees.
- 5.72.110 Bond Issuance.
- 5.72.120 Reporting Requirements.

5.72.010 Purpose.

The purpose of this Chapter is to provide necessary procedures and standards to carry out the powers granted to the City by Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485) as amended. This Chapter shall be liberally construed in order to carry out this purpose.

5.72.020 Definitions.

(Amended by Ordinance Nos. 166682 and 172567, effective August 12, 1998.) As used in this Chapter unless the context requires otherwise:

- A. “Economic development project”** includes any properties, real or personal, used or useful in connection with a revenue producing enterprise. “Economic development project” shall not include any facility or facilities designed primarily for the operation, transmission, sale, or distribution of electrical energy. “Economic development project” also includes multiple unit residential housing development on land having an assessed valuation of \$8 per square foot or more on September 13, 1975, land within a designated urban renewal or redevelopment area formed pursuant to ORS Chapter 457, land within an area designated as a Housing and Community Development target neighborhood pursuant to the

TITLE 5
REVENUE AND FINANCE

Housing and Community Development Act of 1974, or projects which benefit low or moderate income tenants, or address slum and blight as defined by the 1974 Housing and Community Development Act.

- B. “Eligible project”** means an economic development project found by the City to meet standards adopted pursuant to this Chapter. “Eligible project” includes multiple unit residential housing development which increases available housing units through new construction, rehabilitation of nonresidential buildings, or provides for rehabilitation of residential buildings.
- C. “City”** means the City of Portland.
- D. “Costs”** as applied to any project must conform to all applicable Internal Revenue Service regulations and may include:
1. The cost of construction and reconstruction.
 2. The cost of acquisition of property, including rights in land and other property, both real and personal and improved and unimproved and the cost of site improvements.
 3. The cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved or relocated.
 4. The cost of eligible machinery and equipment and related financing charges.
 5. The cost of engineering and architectural surveys, plans and specifications.
 6. The cost of financing charges and interest prior to and during construction, and if deemed advisable by the City for a period not exceeding 1 year after completion of construction.
 7. The cost of consultant and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing a project, administrative and other expenses necessary to or incident to the construction of the project, including, but not limited to, costs of relocation and moving expenses according to a project plan developed by the City, and the financing of the construction of the project thereof, including reimbursement to any state or other governmental agency or any lessee of such project for the expenditures made with the approval of the

TITLE 5

REVENUE AND FINANCE

City that would be costs of the project under this Chapter had they been made directly by the City, and any costs incurred after bond issuance by the City for audits or monitoring.

- E.** “**Qualified historic project**” shall mean a project which includes the restoration or rehabilitation of a structure or structures designated as a City of Portland Historic Landmark. Such rehabilitation or restoration shall require the approval of the City of Portland Landmarks Commission to assure conformance with the Secretary of the Interior’s standards for historic preservation projects.

5.72.030 Economic Development - Applications.

- A.** The Portland Development Commission shall be responsible for receipt of applications and review and processing thereof. Applications shall be in a form established by the Portland Development Commission and shall include, in addition to other information deemed necessary by the Portland Development Commission:
- 1.** Company/applicant information.
 - 2.** Project information.
 - 3.** Description of labor force at existing and proposed locations.
 - 4.** Financial information.
 - 5.** Environmental control information.
 - 6.** Any information required by law or otherwise which is reasonable and necessary to effectuate the purposes of this Chapter.
 - 7.** An agreement to indemnify and hold harmless the Portland Development Commission and the City of Portland, its officers and employees, from any and all liability for loss or damage to the company or any third person or entity arising from or alleged to have arisen from the processing of this application or any error or omission in any official statement or representation related to the contemplated financing.
- B.** The applicant must certify by letter that the issuance of revenue bonds is an inducement to locate, retain, or expand the project in Portland.

- C. The requirements herein shall be considered to be minimums, and the Portland Development Commission and the City reserve the right to add additional requirements on a case-by-case basis. Likewise, the requirements herein stated pertain only to the Commission and the City and are not exclusive. Qualified bond counsel or the original purchaser may make additional requirements.

5.72.040 Economic Development -Initial Review, Standards.

- A. Upon receipt of an application, the Portland Development Commission shall review the application to determine whether the application should be further processed. In reaching such a determination, the Portland Development Commission staff may request additional information from the applicant as well as assemble any and all data deemed relevant to the decision.
- B. The Portland Development Commission shall consider the following:
1. Economic feasibility and general benefits to the City of the proposed project.
 2. Density of use and potential impact in the area affected by the proposed project.
 3. Land use, transit, and transportation facilities in the vicinity of the proposed project.
 4. City's ability to supply or support other needed services resulting from the Economic Development Project.
 5. Effect of proposed project on balanced economic development of the City.
 6. Employment and property tax income from the project.
 7. Employment opportunities. City and Portland Development Commission will use employment agreements when and where appropriate.
 8. Suitability of proposed area in the City for the particular type of proposed development project.
 9. Conformance with Internal Revenue Service regulations and the Oregon Revised Statutes.
- C. No application shall be recommended for City Council approval unless the Portland Development Commission determines that the proposed project does not conflict with adopted City plans and policies, and conforms to the following uses:

TITLE 5

REVENUE AND FINANCE

1. Manufacturing or other industrial production.
2. Agricultural development or food processing.
3. Transportation or freight facilities.
4. Warehousing or distribution.
5. A project for the primary purpose of reducing air, water, or solid waste pollution.
6. Other activities that represent new technology or types of economic enterprise that the City determines are needed to diversify the economic base of the community.
7. Parking in close proximity to the Portland Performing Arts Center. Such a parking facility may include space for retail and commercial uses in addition to parking.
8. Commercial uses when a part of a qualified historic project or publicly initiated urban development project.

5.72.050 Housing - Applications.

- A.** The Portland Development Commission shall be responsible for receipt of applications and review and processing thereof, including, but not limited to, advice of bond counsel and legal advice. Applications shall be in a form established by the Portland Development Commission and shall include, in addition to other information deemed necessary by the Portland Development Commission:

1. The applicant's name, address and telephone number.
2. A brief description of the applicant's company history and past relevant performance.
3. A legal description of the property upon which the project will be located.
4. A detailed description of the project including the number, size and type of dwelling units; dimensions of structures; parcel size, proposed lot coverage with buildings, and amount of open space; type of construction; public and private access; parking and circulation plans; water, sewer, and other utility plans; landscaping; expected uses; and economic feasibility studies and market information including rent levels proposed.

TITLE 5
REVENUE AND FINANCE

5. A description of the existing use of the property including a proposed relocation plan for any persons who would be displaced from existing housing by the project; and for any businesses which would be displaced.
6. A site plan and supporting maps, which show in detail the development plan of the entire project, showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and dimension of structures; use of the land and structure; major landscaping features; design of structures; and existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas and telephone lines.
7. Any other information required by law or otherwise which is reasonable and necessary to effectuate the purposes of this Chapter.
8. The approximate amount of bond proceeds and allocation to eligible costs.
9. An agreement to indemnify and hold harmless the Portland Development Commission and the City of Portland, its officers and employees, from any and all liability for loss or damage to the company or any third person or entity arising from or alleged to have arisen from the processing of this application or any error or omission in any official statement or representation related to the contemplated financing.

5.72.060 Housing - Initial Review, Standards.

(Amended by Ordinance No. 177259, effective February 19, 2003.)

- A. Upon receipt of an application, the Portland Development Commission shall review the application to determine whether the application should be further processed. In reaching such a determination, the Commission may request additional information from the applicant as well as assemble any and all data deemed relevant to the decision.
- B. The Portland Development Commission shall, after review and comment by all relevant City bureaus, recommend approval, approval with conditions, or denial of the application, after consideration of the following:
 1. The economic feasibility of the project, with and without the use of revenue bonds.
 2. The need for housing resulting from the project.
 3. The general benefits to the City of the proposed project.

TITLE 5
REVENUE AND FINANCE

4. The City's ability to supply or support other needed services required by the project.
 5. Employment and property tax income from the project.
 6. Suitability of the project as proposed in the specific proposed location.
 7. (Amended by Ordinance No. 157998; Nov. 21, 1985.) Projects applying for permanent financing must be determined to provide housing at rent or price levels 85 percent of which shall be affordable by households with incomes up to 150 percent of the area median income.
 8. Projects in the downtown, particularly the RX Zone, designated urban renewal or redevelopment areas shall receive highest priority.
 9. Conformance with Internal Revenue Service Regulations and the Oregon Revised Statutes.
 10. No application shall be recommended for approval unless the Portland Development Commission, after review and comment by all relevant City bureaus, determines that the project does not conflict with adopted City plans and policies.
 11. Projects applying for construction financing may be at rent or price levels up to 150 percent of median income, but must have available a firm commitment for long-term project financing.
- C. No project may be approved which would result in the conversion of existing occupied residential rental units to condominium or cooperative projects.
- D. The applicant, to be eligible for financing assistance under this program, must agree not to discriminate against any purchaser or tenant who is a parent or legal guardian with whom a child resides or is expected to reside, except in projects designed exclusively for households, the heads of whom are 62 years of age or older; or in projects designed for households, the heads of whom are 55 years of age or older, if the project meets the requirements of the applicable federal law.
- E. Revenue bonds may be issued secured by revenues from mortgage payments from individual owners of condominium and cooperative units within multiple unit housing projects which are newly constructed, rehabilitated from other uses or rehabilitated in abandoned residential buildings. Applications for such projects shall be considered by the Portland Development Commission if:

TITLE 5
REVENUE AND FINANCE

1. No individual or company may have more than one loan outstanding at any one time under this program for individual condominium or cooperative units.
 2. No mortgage loan funds under this program may be used for refinancing by existing owners, and no loans may be assumed by persons not eligible for condominium or cooperative units.
- F.** The applicant shall submit a relocation plan for any households, individuals, or businesses which may be displaced by the proposed project. The Portland Development Commission will be responsible for analysis of that proposal and recommendation of that plan, that plan with amendments, or an alternative plan. The relocation plan shall assure that such households, individuals, or businesses are relocated to affordable housing of comparable or better quality.

5.72.070 Initial Determination of Eligibility, Final Approval, Appeals.

- A.** The Portland Development Commission staff, within 60 days after a complete application is filed with the Commission, shall prepare a written recommendation of approval, approval with conditions or denial of the application.
- B.** If Portland Development Commission staff recommends approval or approval with conditions of the application, the Commission shall, within 60 days of receipt of the application and recommendation, recommend by resolution that City Council approve, approve with conditions, or deny the application. This resolution shall include consideration of any required relocation plan. The Council shall, by resolution, approve, approve with conditions, or deny the application. Council approval or conditional approval of an application shall authorize the Portland Development Commission to process the application and to execute a letter of intent with the applicant.
- C.** Final approval shall take place after receipt and review by the Portland Development Commission of all requested and required final documents. All documents to be approved by the Portland Development Commission must be received in final form and received by the Commission 14 days prior to a scheduled Commission meeting. If the Commission determines that the documents comply with the rules and policies established within this Chapter, the Commission shall, by resolution, recommend issuance of the bonds in accordance with those final documents and further recommend that City Council adopt an ordinance authorizing issuance of the bonds in accordance with those documents.
- D.** If the Portland Development Commission staff recommends denial of the application, they shall notify the applicant in writing. The applicant may appeal by filing written notice thereof with the Portland Development Commission staff

TITLE 5

REVENUE AND FINANCE

within 14 days of receipt of the notice of rejection. Upon receipt of the appeal, the Portland Development Commission shall, within 45 days, recommend by resolution, approval, approval with conditions or denial of the appeal.

5.72.080 General Conditions; Document Preparation and Review.

(Amended by Ordinance No. 166682, effective June 30, 1993.)

- A.** The following general conditions prevail in the issuance of all industrial development revenue bonds:
- 1.** City of Portland economic development revenue bonds may be sold at public or private sale, and the bonds may mature at any time or times within the useful life of the project. For public sales, special approval may be required.
 - 2.** Any bond authorized under this Chapter which is to be sold by public sale must be rated by either a nationally recognized rating agency as Investment Grade.
 - 3.** Bonds sold through a private sale do not require a rating. For purposes of this Chapter, “private sale” means a sale of all of the bonds to persons or entities that qualify as “accredited investors” under 15 USC Section 77b (15) (I) or 17 CFR Section 230.215. The purchasers must also certify, in a manner satisfactory to the City, that they have the financial sophistication, knowledge and experience in financial matters to evaluate the investment in the bonds and the appropriateness of that investment for them, and that they have received all the information required to make an informed judgement about the purchase of the bonds. Bonds which are sold through a private sale may be resold or transferred only to persons or entities that qualify as accredited investors and that provide the certification described in the preceding sentence.
 - 4.** The City of Portland does not guarantee the bonds and is not subject to any liability for their repayment.
 - 5.** The terms and conditions of the issuance and purchase of an industrial revenue bond issue are to be agreed upon by the applicant and bond purchaser with the concurrence of the Portland Development Commission (acting on behalf of the City.)
 - 6.** Where residential rental property is assisted under this Chapter, construction of the project must begin within 9 months from the date of bond issuance.

TITLE 5
REVENUE AND FINANCE

7. Applicant will be required to keep the Portland Development Commission advised of the schedule for document preparation and approval, and to provide drafts of documents to the Commission upon request of the Commission.

B. The following general conditions prevail regarding the preparation of all bond documents:

1. Bond counsel will be designated by the Portland Development Commission. Procedures for selecting bond counsel established by Section 5.68.080 of this Code shall not apply to projects initiated pursuant to this Chapter. The applicant will submit their recommendation of bond counsel.
2. Bond counsel will advise the Portland Development Commission of all federal and state procedural requirements as they apply to issuance of the bonds.
3. Bond counsel must be an Oregon law firm or other mutually acceptable bond counsel recognized in the Bond Buyers Directory of Municipal Bond Dealers of the United States.
4. The trustee chosen by the applicant, and approved by the Commission, must be a bank or trust company doing business in the State of Oregon with trust powers.
5. All documents to be approved by the Portland Development Commission must be in final form and received by the Portland Development Commission 14 days before the Commission meeting at which it will be acted upon.

5.72.090 Application Processing, Financial Considerations.

A. Upon receipt of a resolution approving the application, the Portland Development Commission shall consider:

1. The bond market for the types of bonds proposed for issuance.
2. The terms and conditions of the proposed issue.
3. Whether the applicant is financially responsible and fully capable and willing to fulfill its obligations under the agreement of lease, or contract, including the obligation to pay rent in the amounts and at the times required, the obligation to operate, repair and maintain at its own expense

TITLE 5

REVENUE AND FINANCE

the project leased, or sold, and to serve the purposes of this Chapter and such other responsibilities as may be imposed under the lease or contract. In determining financial responsibility of the applicant consideration shall be given to the lessee's or purchaser's ratio of current assets to current liabilities, net worth, earning trends, coverage of all fixed charges, the nature of the industry or business involved, its inherent stability, any guarantee of the obligations by some other financially responsible corporation, firm or person, and other factors determinative of the capability of the lessee or purchaser, financially and otherwise, to fulfill its obligations consistently with the purposes of this Chapter and Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485.)

4. Such other relevant factors as the Development Commission considers necessary to protect the financial integrity of the City.
If the Development Commission shall determine that a bond issue is financially feasible it shall designate the underwriter, trustee and bond counsel and shall enter into appropriate agreements with each to carry out the provisions of this Chapter and Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485) subject to the approval of the Council pursuant to Section 5.72.110 of this Chapter. In reaching its determination, the Development Commission may appoint a Bond Review Committee to assist it in its deliberations, and may set administrative procedures from time to time as necessary.

5.72.100 Administrative Fees.

(Amended by Ordinance Nos. 160540, 160608; and 166996, effective Sept. 29, 1993.)

- A. The applicant agrees to pay all applicable City and Portland Development fees and expenses associated with the application whether or not the bonds are issued. A minimum application fee of \$500 shall be assessed to all projects at the time of filing the formal application with the Commission. In addition, the Commission shall be reimbursed in full for all direct and indirect costs incurred in the project. The fees shall be paid as follows:
 1. \$500 at the time of filing a formal application with the Portland Development Commission.
 2. The balance at the time of closing of the bond issue. In the event the financing is not completed, costs incurred to date by the Commission shall be subject to immediate reimbursement.
- B. Upon issuance of the bond, the applicant will pay the Portland Development Commission a one-time issuance fee equal to seven dollars per 1,000 dollars of the face amount of the bonds for ongoing administration of the bonds. On bonds

issued prior to March 23, 1988, the annual administration fee will henceforth be seventy-five cents per 1,000 dollars of the outstanding principal, billed yearly in advance. On bonds issued prior to March 23, 1988, the Portland Development Commission and applicants of outstanding issues may enter into an agreement to pay a one-time fee in lieu of the annual administration fee.

1. For refunding bonds issued under ORS Chapter 290 for economic development projects, if the one-time issuance fee has been paid in accordance with subsection (b) for the bonds being refunded, and the Portland Development Commission determines the refunding will not generate additional ongoing administration costs, the fee or an equitable portion thereof may be waived. Nothing in this subsection (1), however, should be construed to eliminate or limit the applicant's responsibility to pay all fees and expenses of the City and the Portland Development Commission described in subsection (a) of this section in connection with issuing the refunding bonds.

5.72.110 Bond Issuance.

Upon receipt of the recommendation of the Portland Development Commission, the Council may by ordinance authorize the issuance of bonds in an amount equal to the costs of the proposed project, pursuant to Chapter 772, Oregon Laws of 1977, if it determines that the proposed issue meets the requirements of said Act and this Chapter.

5.72.120 Reporting Requirements.

- A. Beginning no later than 12 months following the issuance of bonds by the City, and continuing annually for a period as long as the bonds are outstanding, the Portland Development Commission shall require each project owner of the assisted project to submit a written report which describes:
 1. Number of current employees by job category.
 2. Total assessed value and property taxes paid during the most recent period for the assisted facility or facilities.
- B. In addition to the foregoing, owners of multi-family projects assisted under this Chapter are required to report annually the number of residential units occupied by individuals or families who, at the date of reporting, have low or moderate incomes.

TITLE 5
REVENUE AND FINANCE

Chapter 5.74

ACQUISITION OF PUBLIC ART

(Replaced by Ordinance No. 161537,
amended by Ordinance Nos. 168591 and 179869, effective February 10, 2006.)

Sections:

- 5.74.010 Purpose.
- 5.74.020 Definitions.
- 5.74.030 Dedication.
- 5.74.040 Public Art Trust Fund.
- 5.74.050 Siting.
- 5.74.060 Guidelines.
- 5.74.070 Ownership.
- 5.74.080 Decisions.
- 5.74.090 Implementation.

5.74.010 Purpose.

It is the purpose of this Chapter and the policy of the City of Portland to dedicate two percent of the total Eligible Costs or two percent of the total Eligible Funds of all Improvement Projects (whichever is less) to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, documentation and registration of Public Art.

5.74.020 Definitions.

(Amended by Ordinance No. 178946, effective January 7, 2005.

A. As used in this Chapter:

1. Improvement Project means any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals \$50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland.
2. Maintenance and repair does not constitute an Improvement Project.
3. Improvement Projects which are developed privately and leased back to the City of Portland are not exempt from the provisions of this Chapter.
4. The purchase of improved or unimproved property by the Portland

TITLE 5
REVENUE AND FINANCE

Development Commission solely for resale or redevelopment, in which property is not otherwise to be put to a governmental use, shall not constitute an Improvement Project subject to the provisions of this Chapter.

- B.** Eligible Costs means the Participating Bureau's capitalized costs for completion of an Improvement Project, including costs for capitalized tenant improvements. Eligible Costs do not include costs for: design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land acquisition are not Eligible Costs, while costs attributable to improvements on the real property are Eligible Costs.
- C.** Eligible Funds means a Participating Bureau's monetary contribution to an Improvement Project. The following are not Eligible Funds: private development revenue, federal and state grants that preclude Public Art as an object for expenditure, Local Improvement District revenue, Water Operating Fund revenue, Water Construction Fund revenue, Sewer Systems Operating Fund revenue, Sewer Systems Construction Fund revenue and revenue from any other funding source subject to legal restrictions which preclude Public Art as an object for expenditure.
- D.** Public Art means original artwork which is accessible to the public and/or public employees, and which has been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland.
- E.** Participating Bureau means a City of Portland Bureau or Commission that funds an Improvement Project within the meaning of this Chapter.
- F.** Selection Panel means a group responsible for reviewing proposed Public Art and making recommendations to the Regional Arts & Culture Council on the selection of Public Art. Selection Panels shall include a representative of the Participating Bureau, the Improvement Project architect or engineer, artists and citizens.

5.74.030 Dedication.

Any City of Portland official or employee acting on behalf of a Participating Bureau who authorizes or appropriates expenditures for an Improvement Project shall include in the capital improvement program of the City's capital budget, and disburse to the Regional Arts & Culture Council, a monetary contribution for Public Art equal to Two percent (2%) of the total Eligible Costs or two percent of the total Eligible Funds of the Improvement Project, whichever is less. The Office of Management and Finance and the Portland Development Commission shall each adopt administrative rules to implement

TITLE 5

REVENUE AND FINANCE

this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus, including the Portland Development Commission.

5.74.040 Public Art Trust Fund.

The Regional Arts & Culture Council shall maintain a special fund called the Public Art Trust Fund into which funds dedicated to Public Art pursuant to section 5.74.030 shall be deposited.

- A.** Such funds shall be deposited into the Public Art Trust Fund, and shall be allocated as follows:
 - 1.** 63 percent shall be used by the Regional Arts & Culture Council for costs associated with Public Art including, but not limited to the acquisition, fabrication, and installation of Public Art.
 - 2.** 27 percent shall be used by the Regional Arts & Culture Council for costs associated with Public Art, including, but not limited to costs of selection, project management, community education and registration of Public Art.
 - 3.** 10 percent shall be used by the Regional Arts & Culture Council for the maintenance, conservation and deaccessioning of Public Art.
- B.** Such funds shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the Participating Bureau or required by law.
- C.** Disbursements from the Public Art Trust Fund shall be made by the Regional Arts & Culture Council.
 - 1.** Disbursements shall be made according to the terms of this Chapter and any guidelines adopted hereunder by the Regional Arts & Culture Council.
 - 2.** If an Improvement Project is funded by revenue sources whose expenditure is restricted by the City Charter or other law, the Regional Arts & Culture Council, prior to making a disbursement for Public Art from such a restricted account in the Public Art Trust Fund, shall adopt written findings demonstrating that the proposed disbursement complies with all applicable restrictions.
 - 3.** The Regional Arts & Culture Council will report annually to Participating Bureaus on the disbursement of funds from the Public Art Trust Fund.

5.74.050 Siting.

Public Art selected pursuant to this Chapter may be sited in, on or about any Improvement Project or other property owned, leased, or rented by, donated to, or otherwise made available to the City of Portland in accordance with any restrictions placed on siting by the Participating Bureau.

5.74.060 Guidelines.

The Regional Arts & Culture Council shall, after consultation with Participating Bureaus, adopt guidelines to:

- A. Provide for annual reporting to Participating Bureaus;
- B. Develop an annual plan for Public Art that takes into account the views of the Participating Bureau;
- C. Provide a method for the appointment of representatives to Selection Panels;
- D. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art;
- E. Determine the dedication and disbursement process for the Public Art Trust Fund;
- F. Determine a process for the ongoing care, maintenance and conservation of Public Art;
- G. Determine a process to deaccession art;
- H. Set forth any other matter appropriate to the administration of this Chapter.

5.74.070 Ownership.

All Public Art acquired pursuant to this Chapter shall be acquired in the name of the City of Portland, and title shall vest in the City of Portland.

5.74.080 Decisions.

Except as limited by other sections of this Chapter, the Regional Arts & Culture Council's decisions as to the acquisition, fabrication, installation, deaccessioning, management, community education and registration of Public Art, and disbursement of the Public Art Trust Fund, shall be final.

5.74.090 Implementation.

The Regional Arts & Culture Council, or its designee, shall implement the provisions of this Chapter, in cooperation with the Office of Management and Finance and all Participating Bureaus.

**TITLE 5
REVENUE AND FINANCE**

CHAPTER 5.75

**CLAIMS UNDER
ORS CHAPTER 197**

(Replaced by Ordinance No. 178924,
effective December 1, 2004.)

Sections:

- 5.75.010 Purpose.
- 5.75.020 Definitions.
- 5.75.030 Claim for Compensation.
- 5.75.040 Form of Claim.
- 5.75.050 Claim Processing Fee.
- 5.75.055 Investigation and Recommendation by Program Manager.
- 5.75.060 City Council Consideration and Disposition of Claim.
- 5.75.070 Final Resolution of Claim.
- 5.75.080 Private Right of Action.

5.75.010 Purpose.

The purpose of this Chapter is to establish a procedure by which owners of private real property located within the City of Portland may file claims pursuant to Chapter 197 of the Oregon Revised Statutes as amended by Ballot Measure 37 (November 2, 2004) (referred to in this chapter as "ORS Chapter 197") and to provide for consideration of claims by the City Council.

5.75.020 Definitions.

- A. Claim.** A claim filed under ORS Chapter 197.
- B. Exempt Land Use Regulation.** A land use regulation that:
 - 1.** Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
 - 2.** Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
 - 3.** Is required in order to comply with federal law;

4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
 5. Was enacted before the date of acquisition of the property by the owner or a family member of the owner.
- C. Family Member.** Includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.
- D. Land Use Regulation.** Includes:
1. Any statute regulating the use of land or any interest therein;
 2. Administrative rules and goals of the Land Conservation and Development Commission;
 3. Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
 4. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
 5. Statutes and administrative rules regulating farming and forest practices.
- E. Owner.** The present owner of the property, or any interest therein.
- F. Program Manager.** The person authorized to administer and oversee the processing of claims under this Chapter.
- G. Valid Claim.** A claim that is submitted by the owner of real property that is subject to a land use regulation adopted, enforced or applied by the City of Portland that restricts the use of the private real property in a manner that reduces the fair market value of the property; and that otherwise qualifies for compensation under ORS Chapter 197.

5.75.030 Claim for Compensation.

An owner of private real property located within the City of Portland may make a claim for compensation under ORS Chapter 197 as provided in this Chapter. All claims regarding that property should be filed together.

TITLE 5

REVENUE AND FINANCE

5.75.040 Form of Claim.

- A.** An owner must submit a claim for compensation on a form provided by the Bureau of Development Services and pay the processing fee established by the City Council. At a minimum, the claim must include:
- 1.** The name, address and telephone number of the owner making the claim and any other persons with an ownership interest in the property, and a description of the ownership interest of each.
 - 2.** The date the owner or a family member of the owner became the owner of the property.
 - 3.** Identification of the property for which the claim is being made, including street address, tax lot, legal description or other description sufficient to identify the property.
 - 4.** The land use regulation or regulations the owner asserts restricts the use of the property and causes a reduction in the fair market value of the property.
 - 5.** The date the land use regulation was enacted or first enforced or applied as an approval criterion to an application submitted by the owner of the property.
 - 6.** The amount of compensation claimed, including the dollar amount by which the fair market value of the property has been reduced as a result of the regulations identified in Subsection 5.75.040 A.4. of this section.
- B.** The owner may submit any other information that supports the owner's claim, including appraisals, title reports, ownership history or narrative explaining how and why the identified land use regulation restricts the owner's use of the property.
- C.** The Program Manager and/or City Council, as appropriate, may review and act on a claim notwithstanding the owner's submission of a claim that does not meet the requirements of this Chapter or the owner's failure to provide all of the information required by Subsection 5.75.040 A.

5.75.050 Claim Processing Fee.

(Replaced by Ordinance No. 179161, effective April 29, 2005.) A claimant shall pay a \$250 fee to file a claim for compensation under this Chapter. For any claims submitted on or after December 2, 2004 for which a fee was not paid at the time of claim submittal, the Program Manager may bill the owner for the fee at any time during the claim review

process and prior to a final decision on the claim. If the City Council denies the claim, the Program Manager may bill the claimant for the City's actual cost to process the claim.

5.75.055 Investigation and Recommendation by Program Manager.

- A.** The Program Manager or his/her designee may conduct such investigations as appropriate for the purpose of preparing a report and recommendation to the City Council on each valid claim.
- B.** The Program Manager may conduct such investigations as appropriate and may deny a claim based on one or more of the following findings:
 - 1.** The claim was not filed within the time limits prescribed by ORS Chapter 197.
 - 2.** The owner or family member was not the property owner at the time the land use regulation was adopted.
 - 3.** The claim is based on an exempt land use regulation.
 - 4.** The property is not located in the City of Portland.
- C.** The Program Manager's decision to deny a claim under Subsection 5.75.055 B. of this section shall be in writing, shall be supported by a brief explanation for the basis of the decision and shall be final.

5.75.060 City Council Consideration and Disposition of Claim.

- A.** The Auditor shall schedule each valid claim for consideration by City Council at a regularly scheduled City Council meeting. After considering the report and recommendation by the Program Manager and any other material the Council determines is relevant, the Council may take one or more of the following actions:
 - 1.** Deny the claim;
 - 2.** Grant or deny compensation;
 - 3.** Modify or waive application of the land use regulation identified in the claim to the property in whatever lawful manner the Council deems appropriate; or
 - 4.** Grant such other relief as the Council deems appropriate.

TITLE 5
REVENUE AND FINANCE

- B.** The City Council's decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged regulation with respect to the subject property.
- C.** The City Council shall take final action within 180 days of receipt of a claim.
- D.** The City Council's decision shall be in writing and shall be supported by a brief explanation of the basis for the decision.

5.75.070 Final Resolution of Claim.

As part of any final resolution of a claim involving payment of compensation or waiver or modification of land use regulations, the Program Manager may prepare a document acknowledging resolution of the claim and identifying the property and land use regulations that were the subject of the claim. The document may be recorded in the deed records of Multnomah County by the City Auditor.

5.75.080 Private Right of Action.

(Added by Ordinance No. 179161, effective April 29, 2005.) If the City Council's approval of a claim by modifying or removing a land use regulation causes a reduction in value of other property located in the vicinity of a claimant under this Chapter, the neighbor(s) shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction. The prevailing party in such an action shall be entitled to reasonable attorney's fees and costs at trial and upon appeal. This section does not create a cause of action against the City of Portland.

TITLE 7 BUSINESS LICENSES

Chapter 7.02

BUSINESS LICENSE LAW

7.02.005	Short Title.
7.02.010	Fees for Revenue.
7.02.020	Conformity to State Income Tax Laws.
7.02.100	Definitions.
7.02.110	Income Defined.
7.02.200	Administration.
7.02.210	Administrative Authority.
7.02.220	Presumption of Doing Business.
7.02.230	Confidentiality.
7.02.240	Persons to Whom Information May be Furnished.
7.02.250	Licensee Representation.
7.02.255	Representation Restrictions.
7.02.260	Examination of Books, Records or Persons.
7.02.270	Records.
7.02.280	Deficiencies and Refunds.
7.02.290	Protests and Appeals.
7.02.295	Business License Appeals Board.
7.02.300	License Required.
7.02.310	Duplicate License.
7.02.320	License Transfer.
7.02.330	License Merger or Division.
7.02.350	License Term.
7.02.360	Temporary Licenses and Fees.
7.02.400	Exemptions.
7.02.500	Fee Rate.
7.02.510	License Application and Fee Due Dates.
7.02.520	Quarterly Estimates.
7.02.530	Schedule for Payment of Estimated Tax.
7.02.540	Fee - New Applications.
7.02.545	Fee - Renewal Applications.
7.02.550	Presumptive Fee.
7.02.560	Payment Plan Fee.
7.02.600	Income Determinations.
7.02.610	Apportionment of Income.
7.02.620	Changes to Federal and/or State Tax Returns.
7.02.630	Income - Long Term Construction Method.
7.02.700	Penalties.
7.02.710	Interest.
7.02.715	Payments Applied.

- 7.02.720 Interest on Refunds.
- 7.02.730 Criminal Penalties for Violation of the Business License Law by City Official, Employee or Agent.
- 7.02.800 Refundable Credit.
- 7.02.810 Credits Issued.
- 7.02.820 Obligations of Participating Businesses.

Chapter 7.12

PUBLIC SERVICE PERMITS, FRANCHISES AND REGULATIONS

- 7.12.010 Auditor to Keep Record of Franchises.
- 7.12.020 Holder of Franchise to Keep Accounts and Make Reports.
- 7.12.030 Bureau of Licenses or Designee Authorized to Inspect Books and Prescribe Forms.
- 7.12.040 Interest Payable on Deposits.
- 7.12.050 Contents of Franchise.
- 7.12.060 Privilege Tax Levies.
- 7.12.070 Privilege Tax Applicable to Other Cases.
- 7.12.080 Report of Gross Earnings.
- 7.12.090 Time of Payment of Tax.
- 7.12.100 No Waiver or Estoppel.
- 7.12.110 Credits Allowable.
- 7.12.120 Restricted to City Business.
- 7.12.200 Penalty Applicable.
- 7.12.210 Additional Annual Report.
- 7.12.220 Depreciation Accounts of Public Utilities.

Chapter 7.14

PUBLIC UTILITIES

- 7.14.010 License Required.
- 7.14.020 Definitions.
- 7.14.030 Application - Issuance.
- 7.14.040 Fees and Payment.
- 7.14.045 Limitations.
- 7.14.050 Deductions.
- 7.14.060 Report of Gross Revenues.
- 7.14.070 Appeal and Collection.
- 7.14.080 Additional Penalty.
- 7.14.090 Interest on License Fee.

Chapter 7.22

STREET AND SIDEWALK USE PERMITS

- 7.22.010 Purpose.
- 7.22.020 Authorization.
- 7.22.030 Permit Required.
- 7.22.040 Revocation of Permit.

- 7.22.050 Permit Subject to Ordinances and Regulations.
- 7.22.060 Diversion of Traffic.
- 7.22.070 Interference Prohibited.

Chapter 7.24

TOWING AND PAY AND PARK FACILITIES

- 7.24.010 Towing of Vehicles from Private Property
- 7.24.011 Administrative Authority.
- 7.24.012 Definitions.
- 7.24.013 Private Property Impound (PPI) Tower Registration
- 7.24.014 Towing Regulations.
- 7.24.015 Towing and Storage Rates.
- 7.24.016 Conditions.
- 7.24.017 Prohibitions.
- 7.24.018 Remedies.
- 7.24.019 Appeals.
- 7.24.020 Pay and Park and Non-Pay Private Parking Facilities.
- 7.24.030 Locking Parked Cars

Chapter 7.26

REGULATION OF PAYDAY LENDING

- 7.26.010 Purpose
- 7.26.020 Definitions
- 7.26.030 Permits
- 7.26.040 Administrative Authority
- 7.26.050 Payment of Principal Prior to Payday Loan Renewal
- 7.26.060 Cancellation of Payday Loan
- 7.26.070 Payment Plan for a Payday Loan
- 7.26.080 Remedies
- 7.26.090 Appeals
- 7.26.100 Complaints
- 7.26.110 Severability

CHAPTER 7.26

REGULATION OF PAYDAY LENDING

(New Chapter added by Ordinance No.
179948, effective February 22, 2006.)

Sections:

7.26.010	Purpose
7.26.020	Definitions
7.26.030	Permits
7.26.040	Administrative Authority
7.26.050	Payment of Principal Prior to Payday Loan Renewal
7.26.060	Cancellation of Payday Loan
7.26.070	Payment Plan for a Payday Loan
7.26.080	Remedies
7.26.090	Appeals
7.26.100	Complaints
7.26.110	Severability

7.26.010 Purpose

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to cancel a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This Chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

7.26.020 Definitions

As used in this Chapter unless the context requires otherwise:

- A. “Borrower” means a natural person who receives a payday loan.
- B. “Cancel” means to annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.
- C. “Director” means the Director of the Revenue Bureau.
- D. “Payday Lender” means a “lender” in the business of making payday loans as defined in ORS 725.600.

TITLE 7

BUSINESS LICENSES

- E.** “Payday Loan” means a payday loan as defined by state law.
- F.** “Principal” means the original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

7.26.030 Permits

Within 60 days of the effective date of the ordinance enacting this Chapter, any Payday Lender operating in the City of Portland shall apply for and obtain a permit to operate as a Payday Lender. Permits shall required for each location a lender operates in the City of Portland and shall be renewed annually. The application shall be in a form to be determined by the Director. The Director shall require the Payday Lender to report its fee schedule in the Payday Lenders permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Portland. The annual cost for the permit shall be \$1,500.00, payable to the City of Portland; this permit is in addition to the City of Portland business license required by PCC 7.02.

7.26.040 Administrative Authority

- A.** The Director is authorized and directed to enforce all provisions of this Chapter. The Director shall have the power to investigate any and all complaints regarding alleged violations of this Chapter. The Director may delegate any or all authority granted under this Section to any Revenue Bureau officer, employee or agent.
- B.** The Director is authorized to adopt and enforce administrative rules interpreting and applying this Chapter. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.
- C.** Prior to adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.
 - 1.** At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.
 - 2.** The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.

TITLE 7
BUSINESS LICENSES

3. Unless otherwise stated, all rules shall be effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Revenue Bureau and the Office of the City Auditor in compliance with PCC 1.07.030. Copies of all current rules shall be available to the public upon request.
 4. Notwithstanding subsections 1 and 2 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph shall be effective for a period not to exceed 180 days.
- D.** Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Director or its designee.

7.26.050 Payment of Principal Prior to Payday Loan Renewal

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

7.26.060 Cancellation of Payday Loan

- A.** A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:
1. Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and
 2. Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.
- B.** A Payday Lender shall disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

TITLE 7

BUSINESS LICENSES

7.26.070 Payment Plan for a Payday Loan

- A.** A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.
- B.** A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after the maximum amount of renewals allowed by state law. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.
- C.** After a Payday Loan has been renewed to the maximum amount allowed by state law, and prior to default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.
- D.** The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.
- E.** The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for early payment on the payment plan.
- F.** A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Chapter. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Chapter.

7.26.080 Remedies

- A.** Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Director may impose a civil penalty of up to \$1,500.00 for a substantial violation of this Chapter or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.
- B.** Civil penalties shall be payable to the City of Portland.

- C.** Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.
- D.** No civil penalties shall be assessed within 60 days of the effective date of this ordinance.

7.26.090 Appeals

Any person upon whom a civil penalty has been imposed, or who has been directed by the Director to resolve a complaint, may appeal to the Code Hearings Officer pursuant to the provisions of Chapter 22.10 of this Code.

7.26.100 Complaints

The Director shall have the authority to investigate any and all complaints alleging violation of this Chapter or administrative rules.

- A.** The Director may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Director shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.
- B.** The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Director by telephone or in writing within two (2) business days from initial contact by the Director.
- C.** If the proposed resolution is satisfactory to the Director, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Director.
- D.** If the proposed resolution is not satisfactory to the Director, the Director shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided by PCC 7.26.080. In the event of imposition of remedies, the Payday Lender may appeal as provided by PCC 7.26.090.

7.26.110 Severability

If any provision of this Chapter, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Chapter and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Chapter shall be severed.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

2. Essential needs: food, physical care, and medical attention.
 3. Travel: the movement on foot or within or upon a vehicle within a drug-free zone from one point to another without delay other than to obey traffic control devices.
- B.** Drug-free zones are those areas of the City as designated by the City Council under Chapter 14B.20 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.20.030 for a twelve (12) month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a drug-free zone.

14B.20.020 Designation of Drug-Free Zones.

(Amended by Ordinance Nos. 176934, 176950, 179686, 179890 and 179998 effective March 15, 2006.)

- A.** If the City Council designates an area meeting the criteria of Section 14B.20.010 of this Code to be a drug-free zone, Council shall do so by ordinance. The designation shall be valid until April 15, 2006.
- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.20.020 A., as to whether there is a need to re-authorize or re-configure the drug-free zones enumerated in 14B.20.070.

14B.20.030 Civil Exclusion.

(Amended by Ordinance No. 176950, effective November 1, 2002.)

- A.** A person is subject to exclusion for a period of ninety (90) days from any public right of way and park within a drug-free zone designated in Code Chapter 14B.20 if that person has been arrested based upon probable cause to believe that the person has committed any of the following offenses within that drug-free zone, unless the offense was committed entirely within a private residence:
1. Attempt to unlawfully possess a controlled substance, in violation of ORS 161.405;
 2. Criminal solicitation to unlawfully possess a controlled substance in violation of ORS 161.435;
 3. Criminal conspiracy to unlawfully possess a controlled substance in

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

- violation of ORS 161.450;
 4. Unlawful possession of a controlled substance, in violation of ORS 475.992, other than possession of less than one ounce of marijuana under ORS 475.992 (4)(f);
 5. Criminal conspiracy to unlawfully deliver a controlled substance in violation of ORS 161.450;
 6. Unlawful delivery of a controlled substance, in violation of ORS 475.992;
 7. Attempt to unlawfully deliver an imitation controlled substance, in violation of ORS 161.405;
 8. Criminal conspiracy to unlawfully deliver an imitation controlled substance in violation of ORS 161.450; or
 9. Unlawful delivery of an imitation controlled substance, in violation of ORS 475.991.
- B.** A one (1) year exclusion from any public right of way and park within a drug-free zone shall take effect upon the date of conviction for any of the offenses enumerated in Subsection A of this Section if that offense was committed within that drug-free zone.
- C.** Except as allowed under 14B.20.060, a person excluded from a drug-free zone under authority of this Section may not enter that drug-free zone except to:
1. Attend a meeting with an attorney;
 2. Attend a scheduled initial interview with a social service provider;
 3. Comply with court-or corrections-ordered obligations;
 4. Contact criminal justice personnel at a criminal justice facility;
 5. Attend any administrative or judicial hearing relating to an appeal of:
 - a. the person's notice of exclusion; or
 - b. the denial, revocation, or amendment of the person's variance;
 6. Travel through that drug-free zone on a Tri-Met vehicle; or

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

Ainsworth Street; thence westerly along the north curb line of N.E. Ainsworth Street as it crosses N. Williams Avenue and becomes N. Ainsworth Street; thence westerly along the north curb line of N. Ainsworth Street until it intersects with the west curb line of N. Missouri Avenue; thence southerly along the west curb line of N. Missouri Avenue until it intersects with the north curb line of N. Killingsworth Street; thence westerly along the north curb line of N. Killingsworth Street until it intersects with the west curb line of N. Concord Avenue; thence southerly along the west curb line of N. Concord Avenue, including all of the Going Street Pedestrian Bridge until it intersects with the south curb line of N. Skidmore Street; thence easterly along the south curb line of N. Skidmore Street until it intersects with the west curb line of N. Interstate Avenue; thence southerly along the west curb line of N. Interstate Avenue until it intersects with the west curb line of N. Massachusetts Avenue; thence southerly along the west curb line of N. Massachusetts Avenue until it intersects with the south curb line of N. Overlook Street; thence easterly along the south curb line of N. Overlook Street until it intersects with the east curb line of N. Interstate Avenue; thence northerly along the east curb line of N. Interstate Avenue until it intersects with the south curb line of N. Failing Street; thence easterly along the south curb line of N. Failing Street as that line extends across Interstate 5, including all of the Failing Street Pedestrian Bridge until it intersects with the west curb line of N. Missouri Avenue; thence southerly along the west curb line of N. Missouri Avenue to the point of beginning.

Chapter 14B.30

PROSTITUTION-FREE ZONES

Sections:

- 14B.30.010 Prostitution-Free Zones.
- 14B.30.020 Designation of Prostitution-Free Zones.
- 14B.30.030 Civil Exclusion.
- 14B.30.040 Issuance of Exclusion Notices.
- 14B.30.050 Procedure.
- 14B.30.060 Appeal and Variances.
- 14B.30.070 Listing of Prostitution-Free Zones.

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

14B.30.010 Prostitution-Free Zones.

(Amended by Ordinance No. 176951, effective November 1, 2002.)

- A.** For the purposes of this chapter, the following definitions apply:
- 1.** Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
 - 2.** Essential needs: food, physical care, and medical attention.
 - 3.** Travel: the movement on foot or within or upon a vehicle within a prostitution-free zone from one point to another without delay other than to obey traffic control devices.
- B.** Prostitution-free zones are those areas of the City as designated by the City Council under Chapter 14B.30 of this Code, which are areas where the number of arrests where there was probable cause to believe a person has committed any of the offenses enumerated in Section 14B.30.030 for a twelve (12) month period within the eighteen (18) months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a prostitution-free zone.

14B.30.020 Designation of Prostitution-Free Zones.

(Amended by Ordinance Nos. 176781, 179687, 179891 and 179997 effective March 15, 2006.)

- A.** If the City Council designates an area meeting the criteria of Section 14B.30.010 of this Code to be a prostitution-free zone, Council shall do so by ordinance. The designation shall be valid until April 15, 2006.
- B.** The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.30.020 A., as to whether there is a need to re-authorize or re-configure the prostitution-free zones enumerated in 14B.30.070.

14B.30.030 Civil Exclusions.

(Amended by Ordinance No. 176951, effective November 1, 2002.)

- A.** A person is subject to exclusion for a period of ninety (90) days from any public right of way and park within a prostitution-free zone designated in Code Chapter 14B.30 if that person has been arrested based upon probable cause to believe that the person has committed any of the following offenses within that prostitution-

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

free zone, unless the offense was committed entirely within a private residence:

1. Attempted prostitution, in violation of ORS 161.405;
 2. Prostitution, in violation of ORS 167.007;
 3. Attempted promoting prostitution, in violation of ORS 161.405;
 4. Promoting prostitution, in violation of ORS 167.012;
 5. Attempted compelling prostitution, in violation of ORS 161.405;
 6. Compelling prostitution, in violation of ORS 167.017;
 7. Loitering to solicit prostitution, in violation of Portland City Code 14A.40.040; or
 8. Unlawful prostitution procurement activity, in violation of Portland City Code 14A.40.050.
- B.** A one (1) year exclusion from any public right of way and park within a prostitution-free zone shall take effect upon the date of conviction for any of the offenses enumerated in Subsection A. of this Section if that offense was committed within that prostitution-free zone.
- C.** Except as allowed under 14B.30.060, a person excluded from a prostitution-free zone under authority of this Section may not enter that prostitution-free zone except to:
1. Attend a meeting with an attorney;
 2. Attend a scheduled initial interview with a social service provider;
 3. Comply with court-or corrections-ordered obligations;
 4. Contact criminal justice personnel at a criminal justice facility;
 5. Attend any administrative or judicial hearing relating to an appeal of:
 - a. the person's notice of exclusion; or
 - b. the denial, revocation, or amendment of the person's variance;

TITLE 14B
PUBLIC ORDER AND POLICE
Regulatory Schemes and Business

6. Travel through that prostitution-free zone on a Tri-Met vehicle; or
 7. Travel through that prostitution-free zone on the I-5, I-84, I-205 or I-405 freeways within its boundaries.
- D.** While in a prostitution-free zone, a person who is otherwise excluded may travel only directly to and from the obligations enumerated in Subsection C.1.-7.
- E.** If an excluded person is in the prostitution-free zone from which that person is excluded, in violation of the exclusion during the exclusion period, that person is subject to arrest for criminal trespass in the second degree pursuant to ORS 164.245.

14B.30.040 Issuance of Exclusion Notices.

(Amended by Ordinance No. 176951, effective November 1, 2002.) The Chief of Police and/or designees are the persons in charge of the public rights of way and parks in the prostitution-free zones for purposes of issuing notices of exclusion in accordance with this Chapter.

14B.30.050 Procedure.

(Amended by Ordinance No. 176951, effective November 1, 2002.)

- A.** If a person is arrested based upon probable cause to believe that the person has committed any of the offenses enumerated in Subsection 14B.30.030 A. within a prostitution-free zone, the Chief of Police and/or designees may exclude that person from that prostitution-free zones. Every person excluded shall be provided a notice of exclusion and variances substantially similar to Exhibit B attached to Ordinance No. 176951.
- B.** At the time a person is issued a notice of exclusion from a prostitution-free zone, the Chief of Police and/or designees shall issue those variances described in 14B.30.060 B.2. through 6., and may do a preliminary review with the excluded person of the need for an additional variance and may issue a general variance pursuant to the process described in 14B.20.060 B.
- C.** The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall specify the following:
1. the area designated as a prostitution-free zone in Section 14B.30.070 from which that person is excluded; and
 2. information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

- B. “Residential driveway”** means a driveway serving a one or two family residence.
- C. “Commercial driveway”** means a driveway serving any property except a one or two family residence.

17.28.110 Driveways - Permits and Conditions.

(Amended by Ordinance Nos. 177028 and 179845, effective January 20, 2006.) Upon appropriate application and payment of fees, as provided in Chapter 17.24, the City Engineer may issue a permit to construct a driveway in the street area subject to the following conditions:

- A.** All driveways shall be constructed according to plans, specifications, and any special conditions fixed by the City Engineer.
- B.** Location. No portion of a driveway, excluding ramps if required, shall be located closer than 25 feet from the corner of a lot where two streets intersect.
- C.** Width of driveways. A permit to construct a driveway in the street area is subject to the following width provisions:

1. Residential driveway:

Private Property Frontage	Minimum Width	Maximum Width
50 ft. or less	9 ft.	20 ft.
51 ft. to 75 ft.	9 ft.	25 ft.
76 ft. to 100 ft.	9 ft.	30 ft.

If more than one driveway is desired for frontage up to 100 feet the maximum width of driveways shall be 15 feet with not more than two such driveways permitted within such frontage, provided however, that no less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage, or fraction thereof, under single ownership shall, for purposes of this Chapter, be considered a separate frontage.

2. Commercial driveway:

Private Property Frontage	Minimum Width	Maximum Width
50 ft. or less	10 ft.	20 ft.
51 ft. to 100 ft.	20 ft.*	30 ft.

TITLE 17

PUBLIC IMPROVEMENTS

*A commercial driveway for a residential use that provides access for 10 parking spaces or less can be a minimum width of 10 feet, provided the access is on a local service street and will be designed to allow forward motion of all vehicles. However, the City Engineer or City Traffic Engineer may establish conditions regarding width that are deemed necessary to ensure the safe and orderly flow of pedestrian and vehicular traffic. These conditions are based on evaluation of speeds, volumes, sight distance, and any other transportation factors that are relevant.

If more than one driveway is desired for frontage up to 100 feet, the maximum width of driveway shall be 20 feet with not more than two such driveways permitted within such frontage; provided, however, that no less than 5 feet of straight curb must separate service driveways under one ownership. Each 100 feet of frontage or fraction thereof under single ownership shall for purposes of this Chapter be considered a separate frontage.

3. Driveways shall be measured lengthwise with the sidewalk on the property line side, and such measurement shall not include the width of ramps extending to the regular sidewalk grade. Ramps, if required, do not constitute part of required minimum or allowed maximum width. Determination of the need or appropriateness of ramps shall be within the sole discretion of the City Engineer.
 4. Any driveway at variance with these width limitations shall not be permitted unless the City Engineer specifically approves or requires the same. Any applicant requesting a driveway at variance with these standards shall provide such information as the City Engineer may require in support of the application. The City Engineer may establish conditions deemed necessary to insure the safe and orderly flow of pedestrian and vehicular traffic and the decision of the City Engineer as to the widths and location of driveways shall be final and conclusive.
 5. The City Engineer may require joint or shared use of a driveway by two properties in separate ownership. The City Engineer may recommend such conditions regarding the number and use of driveways necessary to ensure the safe and orderly flow of traffic, preserve on-street parking, and reduce pedestrian conflicts.
- D.** The City Engineer may refer any driveway permit application to the City Traffic Engineer and/or the Oregon Department of Transportation as appropriate, for a review of the location and width. The City Traffic Engineer shall recommend such conditions and limitations regarding the location and operation of driveways

TITLE 17
PUBLIC IMPROVEMENTS

as are in his or her judgment necessary to insure the safe and orderly flow of pedestrian and vehicular traffic and preserve on-street parking.

E. The City Engineer may require any applicant for a driveway permit to provide evidence that the proposed driveway will access legal parking and maneuvering space on property as set forth in Title 33, Planning and Zoning regulations. The City Engineer may refuse to issue a permit if the applicant cannot show evidence that on-property parking and maneuvering space is in compliance with Title 33, Planning and Zoning regulations.

1. If the City Engineer finds that a property owner is permitting access where a properly constructed driveway does not exist, the City Engineer may post notice and require termination of access or construction of a driveway in accordance with the requirements of this Chapter.

F. Revocability of driveway permits.

1. The City Engineer may revoke any driveway permit or require the modification of any driveway if:

- a.** The area occupied by the driveway is needed for the public convenience;
- b.** Continued operation of the driveway interferes with the safe and orderly flow of pedestrian or vehicular traffic; or
- c.** The abutting owner has failed to comply with all specifications and conditions of the permit; or
- d.** The driveway does not access legal parking and maneuvering space on abutting property.

2. The Council may revoke any driveway permit if they deem such action will be in the public interest.

G. Enforcement powers. Within 20 days of written notice from the City Engineer to close or modify a driveway, the abutting property owner shall obtain any required permits and make the required corrections. If the abutting owner fails to make the required corrections within 20 days, the City may perform the required work at the expense of the abutting property owner and the cost shall be determined and assessment made as provided in this Chapter.

17.28.120 After Construction Driveways Deemed Part of Sidewalk.

After a driveway has been constructed, it shall be deemed a part of the sidewalk whether

TITLE 17

PUBLIC IMPROVEMENTS

or not there is a sidewalk improvement extending along the balance of the frontage property, for all purposes of repair or reconstruction. Requirements relating to construction or reconstruction of a sidewalk as provided in this Chapter, shall be applicable to reconstruction of a driveway, except that the property owner shall have no option to petition for a local improvement solely for such purpose.

17.28.130 Reconstruction of Existing Driveways.

(Amended by Ordinance No. 161790, effective Apr. 12, 1989.) If the City Engineer finds that any driveway does not conform to the requirements of this Chapter and should be reconstructed for the protection or convenience of pedestrians or vehicles using the street area, the City Engineer may post notice and require the reconstruction or removal of the driveway. If the abutting property owner fails to make the required corrections within 20 days the City may perform the required work at the expense of the abutting property owner, and the cost shall be determined and assessment made as provided in this Chapter.

17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.

The property owner shall be charged for the construction, reconstruction or repair of sidewalks, curbs and driveways made by the City as follows:

- A.** Job move-in. \$50.25 flat rate per job for barricade and clean up work. A job is defined as all sidewalk, driveway and/or curb work performed adjacent to each individual property.
- B.** Sidewalk. \$6.50 per square foot unit. The minimum charge per job will be for 9 square feet.
- C.** Driveway. \$7.75 per square foot unit. The minimum charge per job will be for 12 square feet.
- D.** Curb. \$23.75 per linear foot unit.
- E.** Combination jobs. When a job includes any combination of sidewalk, driveway and curb work, the charges will be as follows:
 - 1.** Where there are two or more elements of work involving a minimum charge, the charge will be limited to the one work element having the largest minimum charge; and
 - 2.** All work involving costs above the minimum charge shall be as provided by this Code Section.
- F.** Concrete saw cut. \$4.25 per linear foot unit.

TITLE 17
PUBLIC IMPROVEMENTS

- G.** Root removal. \$3.75 per square foot unit. The fee shall be based on the amount of ground area disturbed.
- H.** Special structural, excavation and fill jobs and jobs in areas of traffic and pedestrian congestion shall be charged as provided for in Title 5, Section 5.48.030. Determination of whether a job is of special type shall be made by the City Engineer.
- I.** Cost basis charges for work may be made at the discretion of the City Engineer if the actual cost can be conveniently and accurately determined in accordance with the provisions of Title 5.

17.28.150 Billing for Charges.

- A.** When work is completed on any construction, reconstruction or repair of a sidewalk, curb or driveway, the amount of the charge shall be determined by the City Engineer or responsible bureau and reported to the City Auditor. The City Auditor shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administrative costs of notice, assessment and recording.
- B.** The City Auditor shall prepare a proposed assessment notice consisting of the following information:
 - 1.** The legal description and site address of the property;
 - 2.** The proposed assessment amount;
 - 3.** The manner and deadline for filing written objections to the proposed assessment amount and a statement that the specific reasons for the objection must be stated in writing;
 - 4.** The date, time and location of the public hearing for Council consideration of the proposed assessment;
 - 5.** A statement that the final assessment will be recorded in the Docket of City Liens, and will be a lien which has first priority against the property as provided by state statute;
 - 6.** A statement that the final assessment may be paid in full or paid in installments if authorized by Code;
 - 7.** A statement that the assessment shall be paid or financed, or an objection filed, within 20 days of the date of the notice. The statement must state

TITLE 17

PUBLIC IMPROVEMENTS

that the objection must be in writing, must state the particular reasons for the objection, and must be filed with the City Auditor;

8. A statement that if an objection is filed, the assessment shall be paid or financed within 20 days of the date of the notice of the final decision in response to the appeal and the amount of assessment and interest shall date back to the date of the notice of the final decision; and
9. A statement that a delinquent final assessments may be collected by foreclosure and property sale.

- C. The City Auditor shall mail the proposed assessment notice by first class mail to the owners of the affected property. The notice shall be deemed given upon deposit in the U.S. mail.

17.28.160 Assessment of Charges.

- A. The City Auditor shall refer to the City Engineer or responsible bureau all remonstrances and remove from further assessment action the proposed assessments which are associated with the remonstrances. The City Engineer or responsible bureau shall review each remonstrance by taking the following actions:
 1. Determine whether the improvement work was required by Code and whether the conditions required the improvements, whether the required improvements are consistent with Code and City specifications, and whether the improvement charges are calculated as provided by Code; and
 2. Determine the extent of actions or adjustments which are necessary to bring the proposed assessment into compliance with Code and program standards; and
 3. Mail a statement of findings to the remonstrating property owner, and file a copy with the City Auditor. The findings shall include a statement that the property owner may appeal the determination to the Council.
- B. The Council shall conduct a public hearing on the proposed assessments, however is should be held no sooner than 20 days following the date of the proposed assessment notice as provided in this Chapter. The Council shall consider and make its determinations based on the requirements of this Code and the City specifications maintained by the City Engineer. The Council shall affirm or modify the proposed assessments based on its findings. The Council's decisions shall be implemented by ordinance which sets forth its findings and decision. The decision of the Council may be appealed to the court by writ of review.