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Chapter 3.02

**COUNCIL ORGANIZATION AND
PROCEDURE**

(New Chapter substituted by
Ordinance No. 160414, effective
Feb. 16, 1988.)

Sections:

- 3.02.010 Council Meetings.
- 3.02.020 Special Meetings.
- 3.02.025 Attendance by Electronic Communication.
- 3.02.030 Entry of Documents on Agenda.
- 3.02.035 Ordinance Wording.
- 3.02.036 Consent Agenda.
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- 3.02.040 Rules for Council Business.
- 3.02.050 Authority to Adopt Rules, Procedures and Forms.

3.02.010 Council Meetings.

(Amended by Ordinance Nos. 166314, 170834 and 177787, effective August 13, 2003.)
A regular meeting of the City Council shall be held once a week and will generally be held each Wednesday, commencing at 9:30 a.m., and, as necessary, recessed sessions will be held each Wednesday at 2:00 p.m. and the following Thursday at 2:00 p.m. in the Council Chambers. City Council may hold its recessed session the 3rd Wednesday of each month in the evening beginning at 6:00 p.m. When either day falls on a legal holiday the meeting shall be held on the next succeeding business day at the same hour unless otherwise directed by Council during a regularly scheduled session not less than two weeks prior to the meeting. Any recessed session may, upon motion adopted by the Council, be held at a place other than the Council Chamber, but the place shall be within the City limits.

3.02.020 Special Meetings.

Special meetings of the Council may be held at any time upon a request signed by three members of the Council, and on notice thereof given by publication at least once in the City official newspaper at least 24 hours preceding the meeting. A written notice of the time and place of the meeting shall be delivered by the Auditor to each member of the Council at his or her office in the City Hall, not later than 24 hours preceding the meeting.

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

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

3.02.025 Attendance by Electronic Communication.

Members of the City Council may attend and be present at public meetings by means of telephone or other electronic communication allowing voice transmission provided that all the conditions in subsections A-D are fulfilled.

- A.** An emergency exists such that failure to allow participation of City Council members by electronic communication would jeopardize the public interest, health, safety or welfare.

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- B.** Prior to commencement of the meeting, the Auditor or designate shall make reasonable efforts to notify all City Council members who are expected to be unable to be physically present at the location of the meeting in order to give them an opportunity to participate by electronic communication.
- C.** At the commencement of the meeting, the Council shall make a record of the circumstances constituting the emergency which requires use of electronic communication and a record of the nature and extent of the attempts made to give each physically absent Council member an opportunity to participate by electronic communication. After making this record, the Council shall give an opportunity to all those physically present at the meeting to state on the record any objection they have to conducting the meeting by electronic communication.
- D.** Except for an executive session, the Council shall make available at least one place where the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.

3.02.030 Entry of Documents on Agenda.

(Amended by Ordinance Nos. 165402, 166314, 170834 and 177787, effective August 13, 2003.)

- A.** Notice and Filing of Documents. The City Auditor shall publish in the City Official newspaper, 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 5:00 p.m. each Thursday preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:
 - 1.** Communications from the public or governmental jurisdictions other than City.
 - 2.** Time Certain matters.
 - 3.** Consent Agenda.
 - a.** Reports of City Officers;

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- b.** Reports from Committees or Commissions;
- c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;
- d.** Items introduced by and identified as such from:
 - (1)** The Mayor;
 - (2)** The Commissioners in alphabetical order; and
 - (3)** The City Auditor.

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

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

C. Schedule of Council items.

- 1.** The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.
- 2.** Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.
- 3.** Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.
- 4.** The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.

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

3.02.035 Ordinance Wording.

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

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3.02.036 Consent Agenda.

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

- A.** Those who file documents for inclusion on the Council Agenda shall clearly designate such items as “Consent” or “Regular” Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.
- B.** The Consent Agenda may include any matter for Council consideration except:
 - 1.** Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;
 - 2.** Any matter which will increase an appropriation unit’s budget; or
 - 3.** Any matter requested to be placed on the regular agenda at the time of filing with the Auditor.
- C.** The Consent Agenda shall be positioned in the Council Agenda in accordance with Section 3.02.030.
- D.** An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to Council vote on the Consent Agenda. The request may be in either written or verbal form. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council meeting. A request to pull an item from Consent shall be made to the City Auditor prior to the beginning of the Council meeting, or presented verbally at the Council meeting.
- E.** At any meeting at which there is a Consent Agenda, the ayes and nays shall be taken upon the passage of all items on the Consent Agenda by a single Council vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a Consent Agenda. Items on a Consent Agenda shall not be subject to amendment or debate. Consideration of the Consent Agenda requires at least four Council members to be present and voting. Action on the Consent Agenda shall require a unanimous vote of all Council members present.

3.02.037 Time Certain Agenda.

(Amended by Ordinance No. 177787, effective August 13, 2003.)

- A.** Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning Commission, and any other City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as “time certain.”

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- B.** A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.
- C.** The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.
- D.** The Council Agenda shall clearly distinguish time certain items from all other items.

3.02.040 Rules of the Council.

(Amended by Ordinance Nos. 162784, 165402, 166075, 166314, 170834, 177787, 178617 and 180371, effective September 15, 2006.)

- A.** Suspension and Repeal of Rules - Robert's Rules of Order.
 - 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
 - 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
 - 3.** "Robert's Rules of Order Newly Revised" shall be considered authority in deciding any questions arising on points of order not covered by these rules.
- B.** Quorum Requirement.
 - 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:
 - a.** Adjourn or recess the meeting; and
 - b.** Compel the attendance of the other members.
 - 2.** In the event a quorum is not present, the members present shall adjourn to some fixed time.

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3. The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.

C. Presiding Officer.

1. The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
2. When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
 - a. The member present who most recently served as President of the Council shall serve as President pro tempore; or,
 - b. The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.

D. Council Agenda.

1. Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
2. A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
3. Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
4. Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.
5. All questions relating to the priority of business shall be decided without debate by a majority vote.
6. Postponement of Land Use Hearings.

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- a.** A request to postpone the scheduled date of a quasi-judicial land use hearing before Council must be made in writing and filed with the City Auditor at least seven (7) days before the scheduled hearing date. The Council will not consider or grant any request to postpone such a hearing that is filed less than seven (7) days before the scheduled hearing date unless:

 - (1)** The applicant and appellant all agree in writing to a postponement, or
 - (2)** The Council finds circumstances exist that justify the late filing of a written request for a postponement and that failing to postpone the hearing will result in substantial prejudice to a party's interests.

- b.** The exception in Section 3.2.040 D.6.a. is available only when the applicant and appellant are different persons or entities.

- c.** The Council makes the final determination as to whether the person requesting the postponement under Section 3.02.040 D.6.a.(2) has adequately shown that circumstances exist justifying a postponement. Persons relying on this exception to request a postponement should be prepared to proceed with a scheduled appeal hearing in the event the Council denies the request for a postponement.

- d.** Guidelines.

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

 - (a)** Death of a family member;
 - (b)** Illness or hospitalization of the person requesting the postponement, the applicant or the appellant, or a member of such person's family;
 - (c)** Unavailability of a key witness or consultant;
 - (d)** Unavoidable scheduling conflict not known in advance (such as a conflicting court date or hearing date before another hearings body).

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E. Preparation of Council Agenda.

- 1.** The Auditor shall prepare the agenda.
- 2.** The asterisk symbol, *, shall precede the Agenda number of each emergency ordinance. Ordinances passed to second reading and continued matters shall specify the Agenda number under which the item was most recently listed.
- 3.** The Commissioner in charge shall report on matters in their assigned bureau and shall:
 - a.** Prepare a report in writing which states the facts and a recommendation;
 - b.** Sign the report, however, the report may be signed by an authorized administrative assistant.
- 4.** A request from the public to address Council shall be in writing, and be in a form which states:
 - a.** the nature of the request;
 - b.** the reason for the request; and
 - c.** the requester's name, address and phone number.

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

- 5.** Matters being placed on the agenda shall be:
 - a.** Signed by a Commissioner or the City Auditor or a designee for whom an authorization has been filed with the City Auditor. When the matter is not signed by the Commissioner in Charge or the Auditor, then notice of such action shall be given to all members of

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Council at least one week prior to the hearing of the matter.

- b.** Approved by the City Attorney in the case of contracts, amendments to contracts, easements, Code changes, Charter amendments and Comprehensive Plan amendments.

F. Duties of the Presiding Officer.

1. The presiding officer shall:

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

2. The presiding officer may:

- a.** Speak to points of order before other members speak; and,
- b.** Set limits for public testimony.

G. Readings, Public Testimony and Council Debate.

1. Non Emergency Ordinance.

- a.** A non-emergency ordinance shall have two public readings of its title or the effect of the ordinance.
- b.** Except as provided in the Charter for ordinances approving a franchise, at least five days shall elapse between the introduction and final passage of an ordinance, and no ordinance shall be amended within five days of its final passage.

2. Emergency Ordinance.

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- a.** An emergency ordinance shall have one public reading of its title or the effect of the ordinance.
- b.** An emergency ordinance may be enacted upon the date of its introduction provided that:
 - (1)** It contains a statement that an emergency exists; and,
 - (2)** It specifies with distinctness the facts or reasons constituting the emergency.

3. Resolutions.

- a.** A resolution shall have one public reading of its title or the effect of the resolution.

4. Procedures for Ordinances and Resolutions.

- a.** The Commissioner in charge shall have the privilege to speak first on the matter under consideration.
- b.** Public testimony shall be limited to the first reading of any type of ordinance unless otherwise stated on the record by the Presiding Officer at the end of the public testimony on the first reading.

5. Reports.

- a.** The presiding officer shall determine whether public testimony shall be received and the amount of time which shall be allotted to each person.

6. Public testimony will be allowed on the first reading of an item for three minutes per person unless time limits have been otherwise specified.

7. Council members shall confine themselves to the question in debate, shall avoid personalities and shall address the presiding officer before speaking.

8. A Council member called to order by the presiding officer shall immediately cease speaking unless permitted to explain by the presiding officer. The member may ask the Council to rule on the question of being able to continue with speech, but there shall be no debate. Three affirmative votes shall be required to overrule the presiding officer.

H. Motions.

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1. All motions shall be distinctly worded, and the individual vote on each motion shall be recorded.
2. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone to a date certain;
 - d. To refer;
 - e. To amend; or,
 - f. To postpone indefinitely.
3. Motions set forth in Section 3.02.040 H.2. shall have the following priority; Section 3.02.040 H.2.a. shall have the highest priority and Section 3.02.040 H.2.f. the lowest. A demand for a roll call shall not abrogate the right to make any of the motions in accordance with the priorities.
4. No motion shall be considered unless it is seconded and once a motion is seconded:
 - a. It shall be stated by the presiding officer before debate; and,
 - b. It shall be reduced to writing if requested by a Council member.
5. A motion may be withdrawn by the mover at any time before an amendment is made to it or if no amendment is made, before a vote is taken on it.
6. A Council member may have a motion divided which contains several elements, but the mover shall have the right to designate upon which element the vote shall first be taken.
7. A motion to call the previous question shall preclude all amendments and debate on the main question until it is decided.
8. A motion to lay a matter on the table shall be decided without debate. A matter on the table may be considered at any regular, recessed, or special

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meeting of the Council except that Four-Fifths agenda items require a vote as provided in Section 3.02.040 I.7.

9. The presiding officer shall allow sufficient time for an amendment before ordering the roll to be called. No amendments shall be considered during the roll call, but a Council Member may explain succinctly the reasons for the vote.
10. The minutes shall include all motions.

I. The Required Vote.

1. Non Emergency Ordinances.
 - a. An Ordinance Involving a Fee Matter. An ordinance involving a fee matter is an ordinance which approves, approves with conditions or denies a request for which a fee has been paid. Three affirmative votes shall be required to pass an ordinance involving a fee matter. In the event there is a tie vote, the matter shall be continued to the next regular agenda or to such other times as the Council may direct.
 - b. An Ordinance Not Involving a Fee Matter. Three affirmative votes shall be required to pass a non-emergency ordinance which does not involve a fee matter. In the event there is a tie vote, the matter shall fail.
2. Emergency Ordinances. The unanimous vote of all members present and no less than four members shall be required to pass an emergency ordinance.
3. Resolutions. Three affirmative votes shall be required to pass a resolution.
4. Land Use Planning Orders. Three affirmative votes shall be required to deny or affirm an appeal of a quasi-judicial matter before the Council and to adopt the findings, conclusion and order.
5. Consent Agenda. The unanimous vote of all members of the Council present and no less than four members shall be required to approve the matters on the consent calendar.
6. Reports. Three affirmative votes shall be required if approval or acceptance of a report is requested. No vote shall be required on reports of an informative nature which request no Council action; they will be placed on file or filed for no further consideration.

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- 7.** Four-Fifths Calendar.
 - a.** Three affirmative votes shall be required to pass a matter on the Four-Fifths Calendar.
 - b.** A Four-Fifths matter laid on the table may not be taken up at the same meeting without a Four-Fifths vote, but it may be taken up at a subsequent meeting by a majority vote.
 - 8.** Suspension of Rules. Four affirmative votes shall be required to suspend or rescind a rule contained in this Chapter, however, rules in this Chapter which also appear in the Charter shall not be suspended or rescinded.
 - 9.** Exceptions. The requirement of three affirmative votes shall not apply to a motion to adjourn or recess or to compel the attendance of absent members. It shall require an affirmative vote of a majority of the Council Members present.
 - 10.** Ordinance Granting Franchise. Four affirmative votes shall be required to pass an ordinance granting a franchise.
 - 11.** Recordation of Vote. The minutes shall include the results of all votes.
- J.** Reconsideration.
- 1.** It shall be in order for any member who voted with the prevailing side to move for reconsideration. Any member may second the motion. No motion shall be made more than once.
 - 2.** No motion for reconsideration shall be made after the ordinance, resolution or act has gone out of the possession of the Council. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
 - 3.** The prevailing side in a motion to remove the emergency clause from an emergency ordinance is the side which prevented the emergency ordinance from being enacted.
- K.** Effective Date.
- 1.** The following ordinances shall take effect immediately upon the passage or at any specified date less than thirty days after passage.

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

L. Objection to Ordinance.

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

M. Appointments.

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

N. Adjournment.

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

3.02.050 Authority to Adopt Rules, Procedures and Forms.

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

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.

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- 3.05.065 Report of Irregularities.
- 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;

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7. Financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
 8. There are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
 9. Indications of fraud, abuse or illegal acts are identified for further investigation.
- B.** Audits shall be conducted in accordance with Government Auditing Standards for financial and performance audits issued by the Comptroller General of the United States.

3.05.030 Annual Audit Plan.

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

3.05.035 Special Audits.

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

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3.05.040 Access to Records and Property.

All officers and employees of the City of Portland shall furnish the Auditor with requested information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to produce the aforementioned information, then the Auditor, subject to Council approval, may, without fee, cause a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, excepting personal information, and every office having the custody of such records shall make a search and forward such requested exhibits to the Auditor.

3.05.050 Bureau Response.

A final draft of each audit report will be forwarded to the audited bureau and the Commissioner in Charge for review and comment before it is released. The bureau must respond in writing specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a timetable to complete such activities. The response must be forwarded to the Auditor within the time frame specified by the Auditor. The Auditor will include the full text of bureau and Commissioner responses in the report.

3.05.060 Audit Reports.

- A.** Each audit will result in a written report.
- B.** Reports are to be issued promptly so as to make information available for timely use by Council, management and other interested parties.
- C.** The Auditor will submit each audit report to the Council and will retain a copy in his/her office as a permanent record.
- D.** If appropriate, the audit report shall contain the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the bureau, board or agency or if the audit is a performance audit, the report will contain the professional conclusions of the audit regarding the management activities audited.
- E.** Audit reports issued by the Auditor shall contain:
 - 1.** A statement of audit objectives and a description of the audit scope and methodology;
 - 2.** A statement that the audit was performed in accordance with generally accepted government auditing standards;

3. A description of all significant instances of non-compliance and abuse and all instances of illegal acts found during or in connection with the audit;
4. A full discussion of audit findings and conclusions, including the cause of problem areas and recommendations for necessary or desirable action;
5. A statement of all significant management controls that were assessed and any significant weaknesses found;
6. Pertinent views of responsible officials concerning audit findings, conclusions and recommendations;
7. A listing of any significant issues needing further study and consideration;
8. A description of noteworthy accomplishments of the audited organization.

3.05.065 Report of Irregularities.

If the Auditor detects apparent violations of law or apparent instances of malfeasance or nonfeasance by an officer or employee or information that indicates derelictions may be reasonably anticipated, the Auditor shall report the irregularities to the Commissioner in Charge and the Mayor. If the irregularity is criminal in nature, the Auditor shall immediately notify the City Attorney and the District Attorney in addition to those previously cited.

3.05.070 Contract Auditors, Consultants, and Experts.

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

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

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3.05.080 External Quality Control Review.

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

Chapter 3.06

**DEPARTMENTS, BUREAUS AND
DIVISIONS GENERALLY**

Sections:

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

3.06.010 Departments Enumerated.

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

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

Each department shall be headed by a Commissioner.

3.06.020 Bureaus and Divisions.

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

3.06.030 Acting Chief of Bureau or Office.

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

Chapter 3.08

TREASURER

(New Chapter substituted by
Ordinance No. 151419, effective
Sept. 19, 1984.)

Sections:

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

3.08.010 Office.

(Amended by Ordinance No. 158556, effective June 4, 1986.) The Treasury Division of the Office of Fiscal Administration shall consist of the City Treasurer, Deputy Treasurer, and such employees as the Council may provide.

3.08.020 Salary-Bond.

The salary of the City Treasurer shall be fixed by ordinance and payable out of the General Fund in the same manner and at the same time as other salaries are paid. A surety bond, payable to the City of Portland, in the sum of \$200,000 shall secure the faithful performance of City Treasurer duties.

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3.08.030 Duties of City Treasurer.

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

3.08.040 Duties of Deputy Treasurer.

(Amended by Ordinance Nos. 158556 and 173369, effective May 12, 1999.) The Deputy Treasurer shall be responsible for all operations and functions of the Treasury, excluding the investment function. These operations shall consist of ensuring that checking accounts, trustee accounts, and cash are balanced each day; the redemption of City checks, bonds, and coupons; monitoring all receipts and disbursements for proper documentation; supervise the internal audit of all transactions that affect the Treasury Division each day; maintain proper controls over all cash and securities on hand; provide the City Auditor with daily receipts for payments against Open or Bonded Liens; direct the reconciliation of all bank and trustee accounts; and review all internal expenditures to ensure compliance with budgetary guidelines.

3.08.050 Treasurer Authorized to Deposit in Banks.

(Amended by Ordinance No. 158556, effective June 4, 1986.) The Treasurer shall have the authority to open or close bank accounts in the name of the City. The Treasurer shall make disposition of City deposits in such a manner as found by the Treasurer to be in the City's best financial interests. City funds in any bank are in the custody of the City Treasurer as required by law. The Treasurer shall be authorized to enter into deposit agreements as may be agreed upon with the bank. Each bank shall be authorized to accept City funds for deposit to any such accounts when tendered by any person without obligation to ascertain that the funds are being deposited in the proper account. The City Treasurer shall furnish each bank at which an account is maintained, a written statement naming the person or persons authorized to withdraw funds from such account, declaring the persons named therein are either the Deputy Treasurer or an authorized assistant in the Treasury Division and certifying the signatures of the persons so named. Each bank should be authorized to honor withdrawals by the City Treasurer or by the person or persons named in such statement until written notice of cancellation or change is delivered to and received by the bank at which the account affected is maintained. In the event of the termination of services or death of the City Treasurer, the Deputy Treasurer shall make a record showing the time of termination and give notice to the banks maintaining a City account. The new City Treasurer shall be responsible for all monies received and disbursed after such time except that outstanding checks may be paid in due course and charged against the proper bank account. Each new City Treasurer shall promptly make a check with each bank in which City funds are deposited and ascertain

the exact balance and make sure rectification as may be needed because of outstanding checks. Each new City Treasurer shall have and exercise all of the authority of his/her predecessor and may execute any new banking agreements.

3.08.060 Liability of Treasurer for Deposit of Funds.

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

3.08.070 Council May Require Additional Security from Banks.

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

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

Any officer or agent of this City or other person who shall receive or have possession of any money belonging to the City shall immediately pay the same to the Treasurer who shall receipt the money. Failure to pay to the Treasurer any money received within 48 hours shall be deemed sufficient cause for removal in the absence of excusable failure.

Chapter 3.10

OFFICE OF CITY ATTORNEY

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

Sections:

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

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3.10.010 Office of City Attorney.

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

3.10.020 General Organization.

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

3.10.030 Duties.

(Amended by Ordinance Nos. 156711, and 165112, effective Feb. 26, 1992.) The City Attorney shall have the following duties:

- A.** Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act, the City Attorney shall not represent individuals in their personal capacity and shall not represent individuals who, after investigation by the Bureau of Risk Management, are found by the Bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney shall not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;
- B.** Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It shall be the responsibility of the City officials or employees who prepare such documents to submit the documents to the City Attorney for review;
- C.** Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;
- D.** Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the proceeding year and highlighting significant legal cases and trends involving the City;
- E.** Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions

- F.** Seek to prevent legal problems for the City by training, directing and educating City employees about legal issues;

- G.** Institute legal proceedings for the City in any court or tribunal on direction by resolution of the Council, except that the City Attorney may upon approval of the Commissioner In Charge and for good cause shown seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third party claim. The City Attorney may institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the City Attorney deems advisable. The City Attorney shall institute other appeals on direction by resolution of the Council. The City Attorney may also upon approval of the Commissioner In Charge and for good cause shown file in the appropriate forum a purpose the original or duplicate copies of complaint for interpleader whenever the City shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties.

3.10.040 Chief Deputy City Attorney.

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

3.10.050 Records.

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

3.10.060 Attorney - Client Relationship.

(Amended by Ordinance No. 165112, effective Feb. 26, 1992.)

- A.** The relationship between the Office of City Attorney and the City shall be an attorney-client relationship, with the City being entitled to all benefits thereof.

- B.** Correspondence between the City Attorney and others in the City and the opinions and advice provided by the City Attorney to the City or to any City department, official, or employee are privileged attorney-client communications.

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- C. In suits, actions, or other proceedings in which the City Attorney, with the concurrence of the Bureau of Risk Management, accepts the defense of a City official, employee, or other person pursuant to the requirements of the Oregon Tort Claims Act, the relationship between the Office of the City Attorney, and the official, employee, or other person shall be an attorney-client relationship, with the official, employee, or other person being entitled to all the benefits thereof regarding the subject matter of the suit, action, or proceeding.

3.10.070 Settlements.

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

- A. As the City Attorney deems advisable, after consultation with the affected bureau, if appropriate, in cases of suits, actions, or proceedings seeking enforcement of any regulation or license requirement including payment of any fee, penalty, or interest, established by the Charter, Code, ordinance, or statute, and collection of any account receivable;
- B. With the written approval of the Commissioner In Charge, in cases of any other suits, actions, or proceedings except for settlements requiring payment by the City in excess of \$5,000; and
- C. With the approval by ordinance of the Council in cases of suits, actions, or proceedings requiring payment by the City in excess of \$5,000.

3.10.080 Outside Counsel Conflicts of Interest.

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

3.10.090 Indemnities Fund.

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

Chapter 3.12

**PORTLAND OFFICE OF
TRANSPORTATION**

(New Chapter substituted
by Ordinance No. 155385,
effective Dec. 8, 1983.)

Sections:

- 3.12.010 Organization.
- 3.12.040 Bureau of Transportation System Management.
- 3.12.050 Bureau of Transportation Engineering and Development.
- 3.12.060 Bureau of Maintenance.
- 3.12.080 Office of Transportation Director.

3.12.010 Organization.

(Amended by Ordinance Nos. 161502, 177092 and 177476, effective May 21, 2003.)
The Portland Office of Transportation shall be under the direction and control of the Director of Transportation. The Director shall be responsible for the overall coordination and management of the bureaus of the Portland Office of Transportation to assure the goals of the City Council are met and the mission and goals of the Portland Office of Transportation are achieved. This includes responsibility for productivity, responsiveness and effectiveness of the services and programs of the Portland Office of Transportation. The Portland Office of Transportation shall be charged with the responsibility for the finance, operation, maintenance and improvement of the transportation system and shall be made up of the bureaus, under the direction and control of the Director, as set forth in this Chapter. The City Engineer shall be an employee within the Portland Office of Transportation. Responsibilities and authorities of the City Engineer provided in this Code shall be performed by a Professional Engineer. The Director of Transportation shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Section.

3.12.040 Bureau of Transportation System Management.

(Amended by Ordinance Nos. 157534, 165594 and 173627, effective August 4, 1999.)
The Bureau of Transportation System Management shall be supervised by a director and shall include a professional engineer referred to in this Code as the City Traffic Engineer and such other employees as the Council may provide. This Bureau shall be responsible for the engineering, design, construction and operation of the City's traffic control and street lighting systems and for minimizing the barriers to realizing a safe and efficient multi-modal transportation system.

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3.12.050 Bureau of Transportation Engineering and Development.

(Amended by Ordinance Nos. 173627 and 177092, effective December 4, 2002.) The Bureau of Transportation Engineering and Development shall be supervised by a Bureau Manager and shall include such other employees as the Council may provide. This Bureau shall be responsible for the engineering, design and construction of the City's transportation facilities.

3.12.060 Bureau of Maintenance.

The Bureau of Maintenance shall be supervised by a Director or a Professional Engineer and shall include such other employees as the Council may provide. This Bureau shall be responsible for the maintenance and repair of streets, sewers, sidewalks, bridges, structures, traffic control systems, street cleaning and the administration of the public works stock.

3.12.080 Office of Transportation Director.

(Added by Ordinance No. 161502, effective Dec. 22, 1988.) The Office of Transportation Director shall be supervised by the Director of Transportation and shall include such other employees as the Council may provide. The office of Transportation Director shall be responsible for transportation planning, financial planning, transportation revenue development, financial management and administrative services for the Portland Office of Transportation.

Chapter 3.13

**BUREAU OF ENVIRONMENTAL
SERVICES**

(Added by Ordinance No. 155385,
effective Dec. 8, 1983.)

Sections:

- 3.13.010 Purpose.
- 3.13.020 Organization.
- 3.13.030 Mission.

3.13.010 Purpose.

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

3.13.020 Organization.

(Amended by Ordinance Nos. 168321 and 174830, effective September 22, 2000.) The Bureau is administered by the Commissioner in charge and led by the Director of Environmental Services. The Director works with Group Managers and their staff in pursuit of the mission. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management.

3.13.030 Mission.

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

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

Chapter 3.15

**OFFICE OF
MANAGEMENT AND FINANCE**

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

Sections:

- 3.15.010 Organization.
- 3.15.020 Definitions.
- 3.15.030 Office of Chief Administrative Officer.
- 3.15.040 Bureau of Financial Services.
- 3.15.050 Bureau of Human Resources.
- 3.15.060 Bureau of Technology Services.
- 3.15.080 Bureau of General Services.
- 3.15.090 Bureau of Purchases.
- 3.15.110 Revenue Bureau.

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3.15.010 Organization.

The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO). The CAO shall be responsible for the overall coordination and management of the bureaus of the Office of Management and Finance to assure that the goals of the City Council are met and the mission and goals of the Office of Management and Finance are achieved. This includes responsibility for the productivity, responsiveness and effectiveness of the services and programs of the Office of Management and Finance. The Office of Management and Finance also shall be charged with providing ongoing evaluation and proposing improvements to city administrative service functions in all city bureaus. Day-to-day supervision of administrative service functions outside the Office of Management and Finance will remain with bureau managers. The CAO will consult with bureau managers and labor unions in fulfilling his or her duties.

3.15.020 Definitions.

Administrative services include all those functions that provide products, services, and support to city employees and programs that in turn provide direct services to the public. These services include, but are not limited to the following functions: accounting, debt, treasury, clerical, payroll, external and internal communications, training, education, outreach, grant administration, license and fee collection, risk management, facilities, fleet, human resources, information technology, legal, printing and distribution, public information, and purchasing.

3.15.030 Office of the Chief Administrative Officer.

- A. The Office of the Chief Administrative Officer, City of Portland shall be supervised by the CAO and shall include such other employees as the Council may provide. The Office of Chief Administrative Officer shall be responsible for the overall coordination of the administrative service functions of the City.
- B. In conjunction with the annual budget, the CAO shall provide the City Council a detailed annual workplan to improve city administrative services
- C. The CAO will meet with the City Council at least twice a year to report on efforts to continually evaluate and improve all city administrative services, including those contained in the annual workplan.
- D. The CAO or designee shall perform the duties of the position referred to in the Oregon Revised Statutes as Budget Officer.

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- E.** The CAO may determine that the City's administrative services are more effectively and efficiently provided by another configuration or organization of bureaus and may recommend such reconfiguration or reorganization to the City Council.

- F.** Upon approval of the City Council, the CAO or designee shall have the specific authority to:
 - 1.** Implement policies, practices, rules, regulations and systems for providing all city administrative services. All bureaus and agencies shall comply with City Council approved policies, practices, rules, regulations and systems established for administrative services.

 - 2.** Determine if any administrative service should be provided by city staff or outside vendors. Bureaus shall use the services of the Office of Management and Finance unless otherwise authorized by the CAO or directed by the City Council.

 - 3.** Provide administrative services to any other governmental or private agency when it is in the interest of the City to do so.

 - 4.** Provide additional administrative services as directed by the Council.

 - 5.** Recommend to Council organizational structures for providing administrative services city-wide.

3.15.040 Bureau of Financial Services.

(Amended by Ordinance Nos. 176003 and 178214, effective March 26, 2004.)

- A.** The Bureau of Financial Services shall be supervised by a Director, who shall be Chief Financial Officer of the City, and who shall report to the Chief Administrative Officer (CAO). The Bureau shall include such other employees as the Council may provide. The responsibilities of the Bureau of Financial Services shall include public finance and treasury management, financial planning, accounting, grants, pension oversight and other services or responsibilities the Council or the CAO may assign.

- B.** The Financial Planning Division shall be supervised by a Manager who shall report to the Director and shall perform the duties of the position referred to in the Oregon Revised Statutes as Budget Officer. The responsibilities of the Financial Planning Division shall include financial planning, forecasting, publishing the budget and other responsibilities the Director may assign.

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- C. The Accounting Division shall be supervised by a Controller who reports to the Director and shall have specific authority to:
1. Establish, maintain, and enforce citywide accounting policies, practices, rules and regulations. The Controller shall be the final authority for interpretations of accounting and financial reporting policies and practices.
 2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the Single Audit Report, and other reports required by federal, state and local regulations.
 3. Conduct or contract with public accounting firms to conduct financial and compliance audits and other tests to determine compliance with citywide accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions, the cost of which shall be paid by the bureau being audited.
 4. In cooperation with the Bureau of Purchases and the Bureau of Technology Services, review and approve the purchase of systems or changes to systems used to track and record financial transactions.
 5. In cooperation with the Bureau of Human Resources review and approve actions to create, classify or change the duties or compensation of those positions throughout the City whose primary function is accounting.
 6. Other duties as may be assigned by the Director.

3.15.045 Bureau of Financial Planning.

(Repealed by Ordinance No. 178214, effective March 26, 2004.)

3.15.050 Bureau of Human Resources.

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

- A. The Bureau of Human Resources shall be supervised by a director and shall include such other employees as the Council may provide. The responsibilities of the Bureau of Human Resources shall include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including employee relations, labor negotiations, training, employment services, classification, compensation, affirmative action and diversity development, workforce development and employee benefits.

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- B.** The Director of Human Resources shall formulate, administer and monitor administrative rules approved by the Council, or the Chief Administrative Officer, including provisions for:
1. Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and abilities.
 2. Classification and compensation.
 3. Employee behavior and expectations.
 4. Disciplinary guidelines with notice to employees of prohibited practices.
 5. Employee training and development.
- C.** In accordance with Oregon law, the Director of the Bureau of Human Resources or his/her designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.
- D.** Dispute Resolution.
1. The Human Resources Director or designee(s) is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the Council.
 2. The Commissioner-In-Charge of a bureau shall retain the right to hear individual grievances and or concerns on a case by case basis. In settling such grievances and or concerns, the Commissioner-In-Charge shall do so with the advice and consent of the City Attorney and the Human Resources Director.
 3. If the Commissioner-In-Charge of a bureau does not retain jurisdiction of a grievance and or a concern within one week of receiving the issues, then the Human Resources Director shall automatically have jurisdiction to settle the issue.
 4. Provision for resolution of disputes is as follows:
 - a. Within one (1) day following the filing of a written grievance under a collective bargaining agreement, or other written personnel policy adopted by Council, the bureau or department recipient of the grievance shall provide a copy to the Human Resources

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Director of the written grievance or other appeals document. During the investigation of grievances the Human Resources Director or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.

- b.** Where a grievance or complaint by a nonrepresented employee or settlement thereof would require payment of a claim for wages or other monetary benefit, the supervisor, division manager or bureau director responding to the grievance shall confer with the Human Resources Director or his or her designee before any promise is made to accept or adjust the claim in settlement.
- c.** Where the claim is for wages or other monetary benefit not exceeding \$ 5,000 per claimant, the supervisor, division manager or bureau director, with the approval of the Commissioner-In-Charge of the bureau and of the Human Resources Director may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:

 - (1)** The Human Resources Director authorizes the settlement in writing and gives written notice to the payroll division or to the benefits program manager involved to draw and issue a check not exceeding \$5,000 per claim for the settlement expense, charged to the appropriate center code, account number or fund;
 - (2)** Payments which are an exception to Section 5.08.020 of the Code, which requires payroll checks to be drawn only for services rendered, shall be made only when the Human Resources Director determines such payment to be in the best interests of the City and the Office of the City Attorney approves. This Section shall be narrowly applied.
 - (3)** The Office of the City Attorney reviews and approves the settlement agreement as being not in conflict with State or Federal laws, applicable ordinances, and collective bargaining agreements pertaining to conditions of employment.
- d.** Where a settlement agreement provides for payment of claims for back wages or other monetary benefit in an amount exceeding \$5,000, the settlement shall not be authorized or enforceable unless approved by the City Council by ordinance.

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- e. The CAO or designee is authorized to investigate informal reports of employment discrimination, in accordance with Section 3.15.080 B.2.a.(5) where applicable. During the investigation of reports, the CAO or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.
 - f. The Human Resources Director will file a report to Council two (2) weeks after the end of each month with respect to the settlements entered into pursuant to this section.
- E. The Director of the Bureau of Human Resources shall establish objectives for the Bureau of Human Resources and develop a plan for accomplishing these objectives and carrying out the mission of the Bureau of Human Resources.
- F. Mayor to Appoint Acting Officers in Certain Cases. Whenever a vacancy occurs in an office, other than that of the Mayor, a Commissioner or the Auditor of the City, to which the Council may appoint an incumbent, the Mayor is hereby authorized to appoint some suitable person having the qualifications required by the Charter and ordinances to be serve as an acting officer for such positions until such time as the Council shall have met and made an appointment to fill the vacancy. Whenever the incumbent of any such office, other than that of the Mayor, a Commissioner or the Auditor of the City, is sick, absent, or otherwise unable to serve, the Mayor is hereby authorized to appoint some suitable person having the qualifications required by the Charter and ordinances to serve as an acting officer for such positions until such time as the incumbent shall be able to serve or until the Council shall have met and appointed someone to serve during such absence, sickness or other disability. Each person appointed as an acting officer under the terms and provisions hereof shall have and exercise during his/her term of service all of the power and authority which attaches to the office.
- G. The Human Resources Director shall design, manage and administer a comprehensive and competitive Classification Plan and Compensation Plan. The Council shall fix the salaries of all officers, agents and employees of the City.
- H. The Director of the Bureau of Human Resources and the Benefits Manager shall design, manage and administer a comprehensive, competitive and compliant benefits package, as approved by the Council, including provisions for:

 - 1. Medical, dental and vision coverage;
 - 2. Dependent Care Assistance Plan;
 - 3. Medical Expense Reimbursement Plan;

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4. Life Insurance;
5. Long-Term Disability; and
6. Employee Assistance Program.

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

3.15.060 Bureau of Technology Services.

(Amended by Ordinance Nos. 176003 and 177852, effective September 3, 2003.)

- A. The Bureau of Technology Services shall be supervised by the Chief Technology Officer (CTO) and shall include such other employees as the Council may provide. The Bureau shall be responsible for the Information Technology Services Fund and the Communications Services Operating Fund.
- B. The Bureau shall manage, establish policies and standards, and provide technical support for all city-owned information technology systems. It shall:
 1. Provide Information Technology (IT) strategic planning and IT consulting services, including budget preparation and analysis, system planning and procurement, resource allocation and project management for large information technology projects.
 2. Design, implement and manage all IT hardware and software including system security measures.
 3. Manage all citywide radio, video, data communications, microwave, wireless communications and telephone systems and equipment owned by the City.
 4. Design, implement and manage all citywide voice, video and data applications.
 5. Manage IT end user support services, including Help Desk and Desktop Support services.
 6. Manage citywide Geographic Information Systems.
 7. Provide all Internet and Intranet services to City bureaus, offices, boards and commissions.

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8. In cooperation with the Bureau of Purchases, review and approve the purchase of all information technology software, hardware and professional consulting services, radio, video, data communication and telephone equipment.
9. Provide citywide communications and electronic consulting for system planning and procurement; written estimates to City bureaus to assist in budgeting; and project management on large systems.
10. Provide all telephone services to City bureaus; coordinate with telephone vendors; order new facilities and equipment for city-owned or leased systems; plan telephone systems, and resolve all telephone problems.

3.15.070 Bureau Risk Management.

(Repealed by Ordinance No. 176003, effective October 10, 2001.)

3.15.080 Bureau of General Services.

(Amended by Ordinance Nos. 174509, 174904, 175372, 176003, 176738, 178797 and 179618, effective October 5, 2005.)

- A. The Bureau of General Services shall be supervised by a Director who shall report to the CAO and shall include such other employees as the Council may provide. The Bureau shall coordinate and control the administrative, fiscal and technical activities relating to the internal services provided in risk management and in the areas of facilities, vehicle services, printing and distribution services and other services the Council or the CAO may assign. The Bureau shall be responsible for the financial planning and fund management for the CityFleet Operating Fund (PCC 5.04.180), the Facilities Services Operating Fund (PCC 5.04.185), the Printing and Distribution Services Operating Fund (PCC 5.04.200), the Insurance and Claims Operating Fund (PCC 5.04.230), and the Worker's Compensation Self Insurance Operating Fund (PCC 5.04.240).
- B. Duties and Responsibilities
 1. In order to provide Council authorized services, the Director shall have the specific authority to:
 - a. In cooperation with the Bureau of Purchases and the Office of Management and Finance, determine if equipment may be purchased or leased and determine the needs and methods of financing.
 - b. Provide any authorized service to any other governmental agency through contract or billing agreements.

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2. The Bureau shall provide the following services:
 - a. Division of Risk Management.
 - (1) The Division of Risk Management shall be supervised by a Risk Manager who shall report to the Director of the Bureau of General Services and shall include such other employees as the Council may provide. The Division shall coordinate and control the administrative and technical activities relating to commercial and self-insurance, including property, workers' compensation, liability and subrogation. The Division shall have the authority to monitor and coordinate a citywide loss prevention and control program, as necessary to minimize potential property, liability, fidelity and personnel losses. In addition, the Division shall maintain records relating to commercial and self-insurance losses by the City or claims filed against the City and shall execute any claim or proof of loss for damage to City property.
 - (2) The Risk Manager is hereby delegated authority to evaluate, approve or disapprove on such form as the Risk Manager finds necessary, on behalf of the City, all applications for self-insurance programs in lieu of commercial insurance requirements of contracts, permits, or any other legal documents of the City. Upon approval of a self-insurance program, the contract, permit or other legal document that is the subject of an application is automatically amended, subject to the approved form being filed with the City Auditor or such other bureau as may be charged with keeping the records, to substitute such approved self-insurance program for the commercial insurance requirements of the contract, permit, or other legal document, without further action by the Council.
 - (3) Workers' compensation claim administration procedures within the City generally shall be based on the guidelines of the Oregon Workers' Compensation Board and the rules and regulations embodied in ORS Chapter 656. These procedures include the authority to settle a "bona fide disputed claim" subsequent to an appeal of the employee's claim against the City in accordance with ORS 656.283 or 656.289. The settlement procedure shall be as follows. The

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Risk Manager shall make the initial recommendation to settle a bona fide disputed claim when appropriate to the administration of that claim. The Risk Manager will forward the recommendation to the Commissioner In Charge (or designated delegate) of the Bureau in which the claimant was employed at the date of injury. The Commissioner In Charge may approve or disapprove the recommendation. The Risk Manager also shall give notice to the Commissioner In Charge of the Bureau of General Services that a recommendation to settle a bona fide disputed claim has been made. The City Attorney shall approve all offers of settlement as to form.

- (4) The Risk Manager is authorized to act on behalf of the City on all matters related to workers' compensation not specifically delineated in City Code Section 3.15.080 B.2.a.(3). This authorization includes, but is not limited to:
- (a) The authority to accept, deny or defer claims;
 - (b) The authority to authorize all payments in amounts required by law relating to a worker's compensation claim;
 - (c) The authority to engage legal counsel to appeal any adverse decisions regarding a workers' compensation claim; and
 - (d) Subject to the provisions of City Charter Section 1-106 governing settlements, the Risk Manager, with the concurrence of the Human Resources Director, is authorized to act on behalf of the City of Portland in the settlement of tort claims and court actions alleging employment discrimination and violations of civil rights.
- (5) The Risk Manager or his or her designee is authorized to investigate complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries, or the Equal Employment Opportunity Commission. Prior to initiation of tort claims and court proceedings, the Risk Manager or designee is authorized to settle such complaints subject to the following provisions.

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During the investigation of complaints filed, the Risk Manager or designee shall be an agent of the Office of the City Attorney for purposes of representing the City.

- (a) The Risk Manager may, subject to the terms and conditions of City Code Section 3.15.050.B.4.c. and d., make settlements to such complaints in an amount not exceeding \$5,000. The Risk Manager will file a report with the Council two weeks after the end of each month with respect to the settlements entered into pursuant to this subsection.
 - (b) Where a settlement agreement provides for payment of a claim in an amount in excess of \$5,000, the settlement shall not be authorized or enforceable unless approved by the City Council by ordinance.
 - (6) The Risk Manager is authorized to investigate and enter into settlements on fair and moral claims which are not covered by insurance, for which the Committee on Claims, under Chapter 3.72, has established guidelines for recommendations and potential reimbursement. However, in the event the guidelines are insufficient for the Risk Manager to determine whether to accept or deny the claim, or to determine the amount of reasonable reimbursement, the Risk Manager shall forward such claims to the Committee on Claims.
 - (7) The Risk Management Division shall obtain a public liability insurance policy or provide the necessary funding through a self-insurance program protecting the City, its officers, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon.
 - b. Division of Facilities Services. The Division shall manage City facilities. It shall:
 - (1) Provide property management services for the inventory, rental and in cooperation with the Bureau of Purchases, the purchase, sale and replacement of city-owned real property.

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- (2) Provide facilities maintenance services to City facilities, including but not limited to maintenance and repair of City buildings and their related equipment; and the administration of janitorial, maintenance and security contracts.
 - (3) Provide architectural services including but not limited to architectural design, facilities planning, space planning, and project management of City capital projects.
 - c. Division of CityFleet. The Division shall manage all City vehicles. It shall:
 - (1) Have in its inventory all city-owned, leased, or rented motorized vehicles, licensed trailers, and wheel-mounted equipment. This does not include fire fighting apparatus, engines fixed in buildings, motorized tools, or boats. The Bureau shall operate the City's maintenance and repair facilities now existing or in the future established for maintenance or repair of the above described fleet equipment.
 - (2) Provide an efficient and effective fleet operation to enable City bureaus to carry out their respective missions. This responsibility includes, but is not limited to:
 - (a) Managing the City fleet; including all vehicles, owned, leased or rented by the City;
 - (b) Assisting with equipment needs identification;
 - (c) Managing the assignment of fleet equipment;
 - (d) Assisting in the development of fuel and resource conservation plans;
 - (e) In cooperation with the Bureau of Purchases, the purchase, lease or rental of all City vehicles as defined above.
 - d. Division of Printing and Distribution Services. The Division shall manage all reproduction, mail, distribution and copy services used by the City. The Bureau shall also be responsible for the equipment needed to provide these services. It shall:

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- (1) Provide rapid, convenient reproduction, distribution and mail services, and provide advice and consultation on these services.
 - (2) In cooperation with the Bureau of Purchases, review and approve requests for the lease or purchase of office copy machines.
 - (3) Process U.S. mail and pick up and deliver interoffice mail, packages and equipment.
- C.** Real Property Agreements - Authority. The Chief Administrative Officer, or designee, is authorized to execute on behalf of the City permits, licenses and agreements to rent or lease City-owned property that is being held for future City use including without limitation City-owned commercial, industrial or residential property; permits, licenses and agreements to lease or rent non-City-owned property for use by the City; renewal of permits, licenses and leases or rental agreements; or amendments to permits, licenses and leases or rental agreements. The Commissioner in Charge of the Office of Management and Finance is authorized to request the City Attorney to proceed in court as necessary to enforce the provisions of any agreement authorized by this section.
- D.** Advance Payment of Rentals. In cases where building space has been or shall be rented by the City on lease or on a month to month basis and the owner requires advance payment of rentals or a security deposit, the Auditor hereby is authorized to audit and allow such advance payment of rentals or security deposit, and the Mayor and Auditor are hereby authorized to sign and deliver checks in payment thereof, provided that advance payments of rentals shall be for a period of not to exceed 31 days.
- E.** Exclusions from City Parking Garages.

 - 1.** Definitions. As used in this Section, unless the context requires otherwise, the following definitions apply:

 - a.** “Bureau” means the Bureau of General Services of the City of Portland.
 - b.** “Commissioner” means the Commissioner in Charge of the Bureau. Wherever this section grants authority to or places responsibility on the Commissioner, that authority or responsibility may be exercised by any person designated by the Commissioner.

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- c. “Director” means the Director of the Bureau. Wherever this Section grants authority to or places responsibility on the Director, that authority or responsibility may be exercised by any person designated by the Director.

- d. “City Parking Garage” means any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the Bureau for parking garage purposes, and includes all land granted to the City for such purposes, including but not limited to those City Parking Garages listed below:
 - (1) 1st & Jefferson Garage located at 123 SW Jefferson Street;
 - (2) 3rd & Alder Garage located at 621 SW 3rd Avenue;
 - (3) 4th & Yamhill Garage located at 818 SW 4th Avenue;
 - (4) 10th & Yamhill Garage located at 730 SW 10th Avenue;
 - (5) O’Bryant Square Garage located at 808 SW Stark Street;
 - (6) Naito & Davis Garage located at 33 NW Davis Street;
 - (7) The Portland Building Garage, located at 1120 SW 5th Avenue.

- e. “Parking Garage Officer” means the person in charge pursuant to ORS 164.205(5), including but not limited to any of the following while acting in the scope of employment, agency, or duty:
 - (1) Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
 - (2) Any person providing security services in any City Parking Garage pursuant to any contract with the City or with any person, firm, or corporation managing City Parking Garages on the City’s behalf; and/or
 - (3) Any person specifically designated in writing as a Parking Garage Officer by the Commissioner or by the Director.

2. Rules of Conduct.

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- a. The Bureau has the authority to develop Rules of Conduct and procedures and to enforce the Rules of Conduct. All persons within a City Parking Garage shall obey the Rules of Conduct.
 - b. Any person who refuses to obey any reasonable direction of a Parking Garage Officer or Rules of Conduct for City Parking Garages may be excluded as provided in PCC 3.15.080 C.3.
- 3. City Parking Garage Exclusions. In addition to other measures provided for violation of the Code, or any of the laws of the State of Oregon, any Parking Garage Officer may exclude any person who violates any Rule of Conduct, while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.
 - a. Written notice shall be given to any person excluded from City Parking Garages. The notice of exclusion shall specify the dates and places of exclusion. It shall be signed by the Parking Garage Officer who issued the notice of exclusion. Warning of consequences for failure to comply with the notice of exclusion shall be prominently displayed on the notice of exclusion.
 - b. Any person who receives a notice of exclusion shall comply with the notice of exclusion. Failure to comply may result in prosecution for criminal trespass under ORS 164.245.
 - c. A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Parking Garage Officer who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Parking Garage Officer at the appeal hearing.

3.15.090 Bureau of Purchases.

(Amended by Ordinance No. 176003, effective October 10, 2001.) The Bureau of Purchases shall be supervised by a Director who shall report to the CAO and shall include such other employees as the Council may provide. The Bureau shall be responsible for procurement and contractor development. The Purchasing Director shall be responsible for the functions of the Purchasing Agent under the Charter or general law and shall act as Purchasing Agent in all matters requiring action or signature of the Purchasing Agent.

3.15.100 Bureau of Communications and Networking.

(Repealed by Ordinance No. 177852, effective September 3, 2003.)

3.15.110 Revenue Bureau.

(Added by Ordinance No. 179566; amended by Ordinance No. 179978, effective April 7, 2006.) The Revenue Bureau shall be under the direction and control of the Office of Management and Finance. The Revenue Bureau shall be supervised by a Director, or designee, who shall report to the Chief Administrative Officer. The Revenue Bureau shall include such other employees and shall perform responsibilities as Council may provide. The Revenue Bureau shall include the following divisions, and such other divisions as needed.

- A.** Utilities Customer Services Division. The Utilities Customer Services Division shall be supervised by a Manager who shall report to the Director and shall perform the following responsibilities:
 - 1.** Management of billing and collection services for City water, sewer, and storm water systems including but not limited to establishment of new accounts, close out of terminated accounts, bill generation, payment application, remittance processing, approval of adjustments and refunds and other such duties as requested by the Director.
 - 2.** Direct water, sewer and storm water customer services including response to customer inquiries and appeals and management of financial assistance programs.
 - 3.** Collection of unpaid accounts, using all lawful remedies available.
 - 4.** Meter reading and meter inspection services including regularly scheduled meter reading, delinquent account notification, leak repair notification, shutting off water service for non-payment, and turning on water after receiving payment.

- B.** Licenses Division. The Licenses Division shall be supervised by a Manager who shall report to the Director and shall perform the following responsibilities:
 - 1.** Management, enforcement and collection of business license fees.
 - 2.** Management, enforcement and collection of transient lodging taxes.
 - 3.** Management and enforcement of all regulatory programs formerly the responsibility of the Bureau of Licenses, including the authority to enact administrative rules and regulations.

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4. The Licenses Division Manager, and designees, shall have full policy authority in the performance of their duties.
- C. Operations Division. The Operations Division shall be supervised by a Manager who shall report to the Director and shall perform the following responsibilities:
1. Management and collection of assessments and liens formerly the responsibility of the Auditor's Office.
 2. Business Management functions including mail processing, receipting, and distribution; and overall financial accounting of bureau revenues.
 3. Audit functions including audits of the Portland area business license tax returns, transient lodging taxes, internal audits of internal systems and processes as well as other special audits as deemed necessary.
 4. General clerical and administrative support for the management of the Revenue Bureau.
- D. To the extent any other provision of the Portland City Code conflicts with this section 3.15.110, this section shall control.

Chapter 3.18

BUREAU OF PERSONNEL

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

Chapter 3.20

BUREAU OF POLICE

Sections:

- 3.20.010 General Organization.
3.20.030 Authority of Chief of Police.
3.20.050 Subordinate Officers.
3.20.070 Fees to be Paid Over to Treasurer.
3.20.080 Policemen Receiving Gifts and Employing Attorneys - Penalty for Violation.
3.20.110 Duties of Police Force.

- 3.20.120 Council in Emergency to Appoint Temporary Policemen.
- 3.20.130 Record of Daily Arrests.
- 3.20.140 Discipline Committee.
- 3.20.150 Fingerprints, Photographs and Records of Identification.
- 3.20.160 Police Chief to Make Rules and Regulations.
- 3.20.170 Uniforms.
- 3.20.180 Appointment and Removal of Police Reserves
- 3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
- 3.20.200 Membership Card and Star of Police Reserves.
- 3.20.210 Police Reserves Exempt from Civil Service.
- 3.20.230 Medical Examinations.
- 3.20.240 Membership.
- 3.20.360 Fees for Report on Police Records.
- 3.20.370 Accountability and Disposition of Fees.

3.20.010 General Organization.

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

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

The Deputy Chiefs serve under the command of the Chief.

3.20.020 Council to Organize and Make Rules and Regulations.

(Repealed by Ordinance No. 167733, effective Jun. 1, 1994.)

3.20.030 Authority of Chief of Police.

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

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3.20.040 Duties of the Chief of Police.

(Repealed by Ordinance No. 167733, effective June 1, 1994.)

3.20.050 Subordinate Officers.

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective Oct. 23, 1986.)

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

3.20.070 Fees to Be Paid over to Treasurer.

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

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

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

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

3.20.110 Duties of Police Force.

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

3.20.120 Council in Emergency to Appoint Temporary Policemen.

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

3.20.130 Record of Daily Arrests.

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

(See Figure 1 at end of Title 3)

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

3.20.140 Discipline Committee.

(Amended by Ordinance No. 157487, effective June 19, 1985.) The Chief of Police is empowered to appoint five persons who are superior officers in the Bureau of Police as members of a Discipline Committee. The Committee members shall serve thereon subject to the will of the Chief of Police. The duties of the Discipline Committee shall be to hear any charges brought against any member of the Bureau of Police referred to the Committee. Any accused member of the Bureau of Police cited to appear before the Committee on charges shall have the right to strike two names from the list of Committee members and have his hearing before the remaining Committee members, provided, however, that any superior officer of a rank above captain may not be struck from the list.

3.20.150 Fingerprints, Photographs and Records of Identification.

The Chief of Police shall maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. He shall take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or

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violation of a penal ordinance or Charter provision, he may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description shall be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision shall have been obtained.

3.20.160 Police Chief to Make Rules and Regulations.

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

3.20.170 Uniforms.

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

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

3.20.180 Appointment and Removal of Police Reserves.

(Amended by Ordinance No. 143623, effective June 13, 1977.) The Chief of Police is authorized, subject to the approval of the Commissioner In Charge, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with his

judgment concerning the public welfare and safety subject to the approval of the Commissioner In Charge; provided that the total number of such reserves at any time shall not exceed 200.

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

3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.

(Amended by Ordinance Nos. 143623 and 164223, effective May 29, 1991.) Each new member of the police reserve shall make an application on a blank form provided by the Chief of Police, giving such data concerning his age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification. Members of such police reserve shall be entitled to no compensation unless specifically authorized and provided by the Council. Upon appointment each member shall take an oath of office similar to the oath required of regular members of the Bureau of Police, and such oath shall be filed with the City Auditor. Regular members of the reserve shall serve during the pleasure of the Chief and shall wear a uniform prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of deportment and conduct applicable to regular police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers of the regular and reserve police force of the City. They shall, at all times, cooperate with regular police officers in the performance of their duties. While on any authorized assignment they shall be covered by the City's self-insurance as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated, to retain possession or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Members of the special duty police reserve shall be subject to police duty only when special occasion therefor arises. Each member shall provide his own equipment, subject to the approval of the Chief of Police, and shall make such reports as the Chief of Police may require.

3.20.200 Membership Card and Star of Police Reserves.

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

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3.20.210 Police Reserves Exempt from Civil Service.

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

3.20.230 Medical Examinations.

(Amended by Ordinance No. 134934, effective July 20, 1972.) Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief shall require that member, upon written notice, to submit to a medical examination. The examination shall be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, shall be cause for the member's dismissal.

3.20.240 Membership.

(Amended by Ordinance No. 136679, effective July 1, 1973.) The Bureau of Police shall consist of: a Chief of Police and all other full time members of the regular police force, and shall include all members of the women's protective division, and police matrons; and all such members shall be classed and considered as regular members of the Bureau of Police. All members of the Women's Protective Division, and all police matrons, are hereby required to comply with the rules and regulations of the Civil Service Board respecting physical examinations. The present police matrons shall (if they have not already done so) take and file with the City Auditor the oath of office required of members of the Bureau of Police, before they shall have full status as such members.

3.20.250 Badges.

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

3.20.260 Block Home Applicants, Background Investigation Required.

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

3.20.270 Maintenance of Property Room.

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

3.20.280 Receipts for Property.

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

3.20.290 Records.

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

3.20.300 Prisoner's Property.

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

3.20.310 Evidence Property.

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

3.20.320 Miscellaneous Property and Storage Charges.

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

3.20.330 Storage Charge on Prisoner's Property.

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

3.20.340 Storage Charge on Evidence Property.

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

3.20.350 Lien and Foreclosure.

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

3.20.360 Fees for Report on Police Records.

(Amended by Ordinance No. 153909, effective Nov. 22, 1982.) The Bureau of Police shall establish a schedule of fees and procedures for obtaining copies of reports, searching arrest records, accident photographs, fingerprinting, and all similar records services it performs. Except upon court subpoena, reasonable limitations may be placed upon the amount of information made available, the use for which it may be requested, and the persons entitled to receive it. The schedule of fees and procedures established under this Section shall not be effective until approved by the Commissioner In Charge of the Bureau of Police. No fee shall be charged to those agencies (or their representatives) who request such services for official use and who have as a primary organizational responsibility the apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

3.20.370 Accountability and Disposition of Fees.

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

3.20.380 Conveyances Seized for Drug Transport.

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

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

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

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Chapter 3.21

**CITY AUDITOR'S
INDEPENDENT POLICE REVIEW DIVISION**

(Chapter replaced by Ordinance No.
175652, effective July 1, 2001.)

Sections:

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

3.21.010 Purpose.

The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review Division.

3.21.020 Definitions.

(Amended by Ordinance No. 176317, effective April 12, 2002.) In this chapter:

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

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- O.** "Member" means a sworn employee of the Bureau about whom a complaint has been submitted to IPR.
- P.** "Misconduct" means conduct by a member during an encounter with a citizen, which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.
- Q.** "Request for Review" means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.
- R.** "Supported by the Evidence." A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.
- S.** "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

3.21.030 Independent Police Review Division.

There is established by the City Council the Independent Police Review Division within the Auditor's Office.

3.21.040 Director Selection.

The City Auditor shall select the Director of the IPR in accordance with any applicable civil service regulations and other laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

3.21.050 Staff and Delegation.

- A.** The Director may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the IPR.
- B.** The Director may delegate to his or her staff members any of his or her duties, unless otherwise specified in this chapter. The IPR Investigator shall succeed to all duties and responsibilities of the Director, including those specified by ordinance, when he or she is serving as the acting Director.

3.21.060 Office Facilities and Administration.

- A.** The City shall provide suitable office facilities for the Director and staff in a location convenient for the public but separate from the Bureau.

- B.** The IPR office shall be located within the City Auditor's office, and be accountable to the City Auditor. The Director shall comply with City purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

(Amended by Ordinance No. 176317, effective April 12, 2002.) The Director's powers and duties are the following:

- A.** Intake. To receive complaints and select the appropriate manner to address the complaint.
- B.** Report on complaint activities. To track and report on the disposition of complaints to the public, IAD, the Chief, and the Council; to monitor and report measures of activity and performance of IAD and IPR.
- C.** Monitor and conduct investigations. To identify complaints which merit additional involvement of the Director; to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the initial investigation.
- D.** Communicate with Complainants. To be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.
- E.** Arrange hearings of appeals. To explain the appeal options to complainants and schedule hearings before the Committee and Council.
- F.** Recommend policy changes. To evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems.
- G.** Outreach. To widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.
- H.** Notwithstanding any other provision of City law, to have access to and to examine and copy, without payment of a fee, any bureau records, including records which are confidential by city law, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

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- I.** To adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.
- J.** To hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. To issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

3.21.080 Citizen Review Committee.

(Amended by Ordinance No. 177688, effective July 9, 2003.)

- A.** The Committee shall consist of nine citizens. The Committee members shall be appointed as follows:
 - 1.** The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
 - 2.** The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the committee members, including one CRC representative and the Director, shall serve as the interview panel.
 - 3.** Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The Mayor and commissioners may each submit an applicant who may be given preference over others of equivalent background and qualifications.
 - 4.** The Auditor shall recommend nominees to Council for appointment.
 - 5.** In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.

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6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, attending the Bureau Citizens' Academy, ride-alongs with officers, and training on investigative practices.
2. Each serve a term of two years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until reappointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.

3.21.090 Powers and Duties of the Committee.

(Amended by Ordinance No. 177688, effective July 9, 2003.)

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

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.
2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To help the Director identify specific patterns of problems and to participate in the development of policy recommendations

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4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

3.21.100 Council Role.

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

3.21.110 Intake.

(Amended by Ordinance No. 179162, effective March 30, 2005.)

- A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office.
- B. The Director shall develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director shall not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.
- C. The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out his or her duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.

3.21.120 Handling Complaints.

(Amended by Ordinance No. 179162, effective March 30, 2005.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

- A.** Mediation. The complainant, the Member, and Bureau administration must all agree before a mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.
- B.** IAD Investigation. The IPR shall gather information from the complainant and forward it to the IAD. The IPR shall monitor timeliness and disposition of the investigation.
To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.
In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.
- C.** IAD Investigation with IPR Involvement. The Director may determine that an IAD investigation should also involve IPR personnel. When forwarding the complaint to IAD the Director shall notify the IAD Commander of the extent that IPR personnel must be included in the investigation. IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.
When Bureau personnel are being interviewed IPR personnel shall direct questions through the IAD investigator. The IAD investigator may either repeat the question to the employee or direct the employee to answer the question.
IPR personnel shall have an opportunity to review and comment on draft reports regarding an IAD investigation in which they participated to ensure accuracy, thoroughness, and fairness.
- D.** IPR investigation with IAD involvement. The Director may determine that IPR should investigate a complaint. If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should investigate a complaint or complaints falling in that category. If the Director

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concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. Such investigations shall not be initiated by the IPR Director involving matters currently in litigation, or where a notice of tort claim has been filed.

The Director shall notify the IAD commander that IPR has undertaken an investigation and the reason. The IAD commander shall appoint a liaison investigator from that office within two working days to arrange and participate in interviews. When Bureau personnel are being interviewed by IPR personnel the IAD investigator may either repeat the question or direct the employee to answer the question.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation. The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR findings to the Chief or designee to assist the Chief in determining what, if any, action is appropriate. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

Complainants and members wishing to appeal an investigation by IPR or the findings shall appeal to the Committee as described in City Code Section 3.21.160 A.2.

- E.** Referral. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.
- F.** Dismissal. The Director may dismiss the complaint for the following reasons:
 - 1.** the complainant could reasonably be expected to use, or is using, another remedy or channel or tort claim for the grievance stated in the complaint;
 - 2.** the complainant delayed too long in filing the complaint to justify present examination;
 - 3.** even if all aspects of the complaint were true, no act of misconduct would have occurred;
 - 4.** the complaint is trivial, frivolous or not made in good faith;
 - 5.** other complaints must take precedence due to limited public resources;
 - 6.** the complainant withdraws the complaint or fails to complete necessary complaint steps.

3.21.130 Communications.

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

3.21.140 Filing of requests for review.

- A.** Any complainant or member who is dissatisfied with an investigation of alleged member misconduct may request a review.
- B.** The request for review must be filed within 30 days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings.
- C.** A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
- D.** The request for review shall include:
 - 1.** The name, address, and telephone number of the appellant;
 - 2.** The approximate date the complaint was filed (if known);
 - 3.** The substance of the complaint;
 - 4.** The reason or reasons the appellant is dissatisfied with the investigation.
- E.** The complainant or member may withdraw the request for review at any time.

3.21.150 Reviews and Supplementary Investigations.

A complaint resulting in an investigation may be reviewed or supplemented with additional investigative work as a result of an appeal. The IPR will act in accordance with applicable provisions of the collective bargaining agreements covering Bureau personnel when it participates in an IAD investigation, or when it initiates an investigation. The Director shall conduct a preliminary review of IAD's investigation and may conduct an investigation to supplement IAD work. The Director shall decide:

- A.** If no further investigation and consideration of evidence is warranted the Director shall inform the complainant or member of the basis for the decision and the opportunity for a hearing before the Committee or,

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- B.** If additional investigation and consideration of evidence is warranted the Director shall request IAD reconsider its efforts and results. The Director shall review the additional work of IAD and may conduct supplemental investigation. The Director shall schedule the appeal for a hearing before the Committee.

3.21.160 Hearing Appeals.

- A.** Appeal hearings may be conducted either at the following points:
- 1.** When a complainant or member appeals the finding the Committee shall decide:
 - a.** If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Committee's decision and close the complaint; or
 - b.** If the finding is not supported by the evidence. The Committee shall inform the complainant, member, IAD and the Chief of what finding should have been made. The Director shall schedule a hearing before Council for final disposition. The Committee shall select one of its members to represent the Committee's viewpoint before Council.
 - 2.** In its hearing the Council shall decide:
 - a.** If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or
 - b.** If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.
- B.** In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel.
- C.** In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the

witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.

D. Witnesses.

1. The Committee and Council may require within its scope of review the investigators and Commander of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.
2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 C.3. shall not be delegated by the Council to the Committee.

3.21.170 Monitoring and Reporting

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

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3.21.180 Increasing Public Access

- A.** The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.
- B.** The Director shall work with the Committee to develop programs to educate the public about the IPR and the importance of reporting problems.
- C.** The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that the IPR is the primary means for citizens to file complaints.
- D.** The IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

3.21.190 Response of Chief.

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

3.21.200 Limitation on Power.

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

Chapter 3.22

BUREAU OF FIRE,
RESCUE AND EMERGENCY SERVICES

Sections:

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

3.22.010 General Organization.

(Amended by Ordinance Nos. 136677, 149110 150993, 158149 and 160883, effective June 9, 1988.) The Bureau of Fire, Rescue and Emergency Services shall consist of the Chief Engineer (generally referred to as the Chief of the Bureau) and such other employees as the Council may provide. The mission of the Bureau of Fire, Rescue and Emergency Services shall be to secure a fire-safe environment, to respond to and manage non-fire emergencies, and to perform non-emergency services of public benefit. The Bureau of Fire, Rescue and Emergency Services shall be comprised of the following divisions:

- A. The Emergency Operations Division, which shall be responsible for the saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training, emergency dispatch operations, and other miscellaneous public services;

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- B.** The Fire Prevention Division, which shall be responsible for fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;
- C.** The Management Support Services Division, which shall be responsible for budget and finance, long range capital planning and program development, special projects, manual and automated management information systems, supplying administrative support, and supplying logistical support which shall include facility and vehicle maintenance, operational supplies and services;
- D.** The Planning and Development Division, which shall be responsible for the Integrated Emergency Management System, disaster planning, safety analysis, inter-agency planning, strategic planning, research and development, and other long range projects as assigned.

3.22.020 Organized by Council - Subject to Civil Service.

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

3.22.030 Council Powers.

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

3.22.040 Care of Property by Council.

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to the Bureau of Fire, Rescue and Emergency Services. It shall have power and authority, subject to the limitations and appropriations made and expenditures

authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Fire, Rescue and Emergency Services Bureau may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the Council unfit for service in the Bureau. The proceeds of any such sale shall be paid by the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such monies shall be credited to the General Fund of the City.

3.22.050 Duties of Chief Engineer.

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

3.22.060 Destroying Buildings to Check Fire.

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

3.22.070 Appointment of Temporary Employees.

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

3.22.080 Assignments of Disabled Members.

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

3.22.090 Rules and Regulations and Administrative Orders.

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

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3.22.100 Uniforms.

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

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

3.22.110 Fire Prevention and Suppression Contracts.

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

- A.** The City shall provide both fire prevention and fire suppression services and will not provide fire suppression services only.
- B.** Payment for services by individuals and private organizations, having no tax levying authority under State law, shall be in advance, excepting those contracts in excess of \$25,000, which may be paid on a quarterly basis in advance. The Auditor shall execute such contracts only upon receipt of such payment;

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- C. Contracts with political subdivisions of the State shall be entered into only upon certification to the Auditor by the governing body of such political subdivision that there will be assessed upon the taxpayers of such political subdivision an amount not less than:
1. The contract price.
 2. Unpaid balances, if any, owing the City on previous fire prevention and suppression contracts.
 3. An estimated amount sufficient to compensate for the delinquencies, based upon previous experience.

The Auditor shall execute such contracts only upon receipt of such certification, unless specially authorized by ordinance. Payment upon such contracts shall be due in equal semi-annual installments on or before January 1 and June 1 of the year in which the contract is in effect;

- D. As used in this Section:
1. **“Effective year”** means the fiscal year in which the contract is operative,
 2. **“Previous year”** means the fiscal year first preceding the effective year.
 3. **“Property owner’s assessed value”** means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the City Auditor shall decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner’s assessed valuation, be outside Multnomah County, the assessed value shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
 4. **“Assessed value of City property”** means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.

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5. “Cost to City taxpayers” means the sum, to the nearest dollar, of:

- a.** Bureau of Fire, Rescue and Emergency Services General Fund budget of the previous year,
- b.** A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firemen to the number of policemen employed on January 1 of the previous year, and;
- c.** Ten percent of the total of a. and b. to allow for payroll taxes and other expenditures outside the Bureau of Fire, Rescue and Emergency Services General Fund budget;

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

$$\begin{array}{c} \text{(Cost To City Taxpayers)} \\ \text{Multiplied by} \\ \text{(Property Owner's Assessed Value)} \\ \text{Divided by} \\ \text{(Assessed Value of City Property)} \end{array}$$

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

3.22.120 Renewal Notices.

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

3.22.130 Contract Form to be Approved by City Attorney.

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

3.22.140 Mutual Assistance Agreements.

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

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

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

3.22.160 Fees for Pumping Water from Imperiled Vessels.

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

3.22.170 Distribution of Awards Earned by Members of Bureau of Fire, Rescue and Emergency Services.

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

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3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

(Amended by Ordinance Nos. 160127, 160883, and 168127, effective Sept. 21, 1994.)

A. General Provisions.

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

B. Plan Coordination.

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

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Emergency Services and the Bureau of Parks shall contain descriptive details of routine maintenance and regulatory responsibilities. The operational programs shall be respectively identified as follows:

PROGRAM I:	Bureau of Parks
PROGRAM II:	Bureau of Fire, Rescue and Emergency Services
PROGRAM III:	Bureau of Police
PROGRAM IV:	Bureau of Waterworks
PROGRAM V:	General Services
PROGRAM VIII:	Bureau of Maintenance
PROGRAM IX:	Reserved for Nongovernmental
PROGRAM X:	Reserved for Nongovernmental

C. Command Responsibility for Fire Fighting.

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

D. Activation and Response.

1. All participants and resources listed in the plan will be activated in accordance with the plan at the request of the Incident Commander.
2. All participants in the plan will send liaison personnel to the field headquarters, support command headquarters, and the Emergency Operations Center as requested by the Incident Commander.

E. Personnel alerting.

1. The Bureau of Emergency Communications will initiate the alerting of participating services as outlined in the plan. The person contacted is then to complete the calls required by his/her bureau, office or agency.
2. For the purpose of alerting as required in 1 above, the head of each participating service shall establish and maintain master-call lists or a key-alerting system.

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Chapter 3.24

BUREAU OF WATERWORKS

(New Section substituted by
Ordinance No. 133264
effective September 2, 1971.)

Sections:

- 3.24.010 Organization.
- 3.24.020 Engineering and Supply Section.
- 3.24.030 Construction and Maintenance Section.
- 3.24.040 Business Operations Section.
- 3.24.050 Management Services Section.

3.24.010 Organization.

The Bureau of Waterworks shall be under the direction and control of the Manager of the Bureau of Waterworks and such other employees as the Council may provide. The Bureau of Waterworks shall be made up of the Sections set forth in this Chapter.

3.24.020 Engineering and Supply Section.

The Engineering and Supply Section, supervised by the Chief Engineer of the Bureau of Waterworks, shall be responsible for the design and layout of the physical plant of the Bureau of Waterworks, for the operation, inspection and maintenance of reservoirs, standpipes, tanks and pump stations, planning for future expansion and for the quality and adequate supply of water to all parts of the City, and the acquisition of property, including easements and rights of way.

The Engineering and Supply Section shall also be responsible for the operation, inspection and maintenance of the dams, headworks, pipe lines, equipment, roads, bridges, buildings, grounds and other improvements of the Bureau of Waterworks outside the City limits.

3.24.030 Construction and Maintenance Section.

The Construction and Maintenance Section, supervised by a Water Construction and Maintenance Superintendent, or other designated employee, shall be responsible for the construction and maintenance of mains, installation of services, maintenance of equipment, buildings and grounds, and such other construction or maintenance as may be determined to be necessary, including the installation and maintenance of fire hydrants. They shall also be responsible for testing, maintenance, accuracy, repair, installation and removal of meters.

3.24.040 Business Operations Section.

The Business Operations Section, supervised by a Business Operations Supervisor, shall be responsible for the business administration of the Bureau. This Section shall have control of the accounting for all divisions of the Bureau, personnel administration, payrolls, employee records, inventory, revenue reports, records of materials, supplies and budgets. They are also responsible for billing, collecting and maintaining records of charges for water, applications for new services, meter reading, inspections, investigations of complaints, and maintaining public relations.

3.24.050 Management Services Section.

The Management Services Section, supervised by a Water Utility Engineer, shall be responsible for planning and special studies, education and engineering consulting.

Chapter 3.26

BUREAU OF PARKS

Sections:

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

3.26.010 Organization Generally.

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

3.26.020 Executive and Clerical Division.

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

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3.26.030 Park Maintenance and Operation Division.

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

3.26.040 Nursery and Planting Division.

The Nursery and Planting Division, supervised by a Director of Park Plantings or other competent person, shall have control over the gardening and nursery functions and properties of the Bureau of Parks, including the greenhouse, nursery, golf courses, and floral displays.

Removal of trees, permits for removal of trees, removal of limbs of trees and reports in regard to trees shall all be in the Nuisance Section, except that removal of trees shall be subject to the approval of the Superintendent of the Bureau of Parks or his designated representative.

3.26.050 Public Recreation Division.

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

3.26.060 Municipal Stadium Division.

The Municipal Stadium Division, supervised by a Manager, which Division shall have charge of the operation and control of the municipal stadium, including maintenance of the property and rental or leasing of the property or its facilities.

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

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

3.26.090 Solar Friendly Trees.

(Added by Ordinance No. 157993, effective Feb. 18. 1986.) The City Forester, in consultation with the Energy Office, shall recommend a methodology to the Tree Advisory Committee for determining the relative solar friendliness of trees. The City Forester shall use the methodology to create and maintain lists of all trees known to be either solar friendly or non-solar friendly.

Solar friendly trees shall be those deciduous trees which, by the determination of the City Forester, shall have a combination of low winter branch density and long period of wintertime defoliation, and as such, shall result in minimal loss of incident solar radiation during the heating season if planted or allowed to grow.

Chapter 3.27

**PORTLAND PARKS AND
RECREATION BOARD**

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

Sections:

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

3.27.010 Purpose.

The Portland Parks and Recreation Board is hereby established, for the following purposes: to ensure that the vision and recommendations of the Parks 2020 Vision are at the forefront of discussions about park and recreation issues and trends over time, in all areas of the city; to advocate for parks on a city and regional basis to ensure that parks, natural areas, open spaces and recreation facilities are advanced in city and regional planning and design; to provide continuity when transitions occur in the leadership of Portland Parks and Recreation and on the City Council; and to provide a forum for public discussion and decision-making about park issues, bringing a city-wide and long-term perspective to neighborhood-based issues.

3.27.020 Definitions.

As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A.** “Board” means the Portland Parks and Recreation Board.

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- B.** "Bureau" or "Portland Parks and Recreation" means the Bureau of Parks and Recreation of the City of Portland, or whatever agency is given responsibility for the City's system of parks and recreation.
- C.** "Commissioner" means the Commissioner in Charge of Portland Parks and Recreation.
- D.** "Council" means the City Council of the City of Portland, Oregon.
- F.** "Director" means the Director of Portland Parks and Recreation, or the Bureau head, however designated.

3.27.030 Members and Terms.

- A.** Voting Members. The Portland Parks Board shall consist of a minimum of nine (9) and a maximum of thirteen (13) voting members appointed by the Mayor in consultation with the Commissioner, and confirmed by the Council. Members shall serve without compensation for terms of three years. No member shall be appointed to more than two full consecutive terms. A member appointed initially to a term of less than three years may thereafter be re-appointed to two consecutive three-year terms. A member otherwise may be re-appointed after at least one full year following completion of the member's two consecutive terms. The initial appointments shall be staggered in order to provide for a proportional turnover of terms each year. Members shall be appointed who demonstrate a commitment to Portland Parks and Recreation and to the mission of the Board. Members are expected to bring a system-wide perspective to the Board, and shall not represent individual districts or areas of the City. However, the membership of the Board shall strive to reflect the demographic and geographic diversity of the City.
- B.** Ex Officio Members. The Board may, in its discretion, appoint such ex officio members as, in the judgment of the Board, will assist it in carrying out its functions. Such ex officio members shall be appointed in a manner to be determined by the Board. Ex officio members shall not have the right to vote. Ex officio members shall not be subject to the term limitations of Subsection A of this Section, but the Board may, by rule or regulation, provide for terms and other conditions of service of ex officio members as it may deem necessary or desirable.

3.27.040 Organization and Meetings.

The Board shall adopt such rules of procedure as it deems necessary to the conduct of its duties. The Board shall elect each year a Chair and such other officers as the Board may from time to time establish. The Board shall meet at least quarterly, and may meet more often. The Board Chair, in consultation with the Commissioner and the Director, shall set the agenda for Board meetings.

3.27.050 Duties.

The Board shall:

- A. Advise the Council, the Commissioner and the Director on policy matters pertaining to Portland Parks and Recreation, using the Parks 2020 Vision as its guide.
- B. Advise the Council, the Commissioner and the Director on the preparation and contents of the annual Portland Parks and Recreation budget request.
- C. Review plans and policies, either existing or being developed, by other City bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City of Portland, and advocate for the advancement of parks, natural areas, open spaces and recreation facilities and services in City and regional planning and design.
- D. Engage in such public outreach, education and advocacy, to the extent permitted by law, as the Board determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.
- E. Prepare and submit to the Council an annual report which shall summarize the Board's activities during the year and which shall identify the major issues facing Portland Parks and Recreation and the Board's recommendations for addressing them in the coming year.

3.27.060 Staff Liaison and Support.

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

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Chapter 3.28

BUREAU OF HEALTH

Sections:

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

3.28.010 Transfer of Functions.

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

3.28.020 Executive and Clerical Division.

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

3.28.030 Communicable Disease Control Division.

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

3.28.040 Tuberculosis Control Division.

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

3.28.050 Venereal Disease Control Division.

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

3.28.060 Laboratory Division.

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

3.28.070 School Hygiene Division.

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

3.28.080 Emergency Hospital Division.

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

3.28.090 Pure Food Sanitation Division.

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

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

3.28.100 Division of Mental Health.

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

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3.28.110 Division of Home Health Care.

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

Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

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

Sections:

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
- 3.30.020 Responsibility for the Development Services Center and Development Review Functions.
- 3.30.030 Development Review Advisory Committee.
- 3.30.040 Establishment of Enforcement Priorities and Remedies.
- 3.30.050 Special Jurisdiction.
- 3.30.060 Nuisance Abatement Contracts.
- 3.30.061 Contractor Eligibility.
- 3.30.062 Contract Award Procedure.
- 3.30.070 Inspections.

3.30.005 Organization.

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

3.30.010 Duties of the Bureau of Development Services.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.) The Bureau of Development Services shall be responsible for:

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- A.** The administration and enforcement of:
 - 1.** Noise Control, Title 18;
 - 2.** Building Regulations, Title 24.
 - 3.** Plumbing Regulations, Title 25.
 - 4.** Electrical Regulations, Title 26.
 - 5.** Heating and Ventilating Regulations, Title 27.
 - 6.** Floating Structures, Title 28.
 - 7.** Property Maintenance Regulations, Title 29.
 - 8.** Signs and Related Regulations, Title 32.
 - 9.** State of Oregon Regulations regarding manufactured dwellings.
 - 10.** Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.

- B.** The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of Planning.

- C.** The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.

- D.** The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.

- E.** The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.

- F.** The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and

- G.** Other duties as assigned to the Bureau.

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3.30.020 Responsibility for the Development Services Center and Development Review.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

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

3.30.030 Development Review Advisory Committee.

(Amended by Ordinance Nos. 176955 and 178954, effective January 7, 2005.)

- A. Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:
 - 1.** Providing leadership and expertise on issues affecting development;
 - 2.** Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
 - 3.** Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
 - 4.** Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
 - 5.** Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
 - 6.** Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;

7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

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

1. Advocate for Individual customers
2. Citywide neighborhood interests
3. Design professionals
4. Environmental conservation
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large business
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors
14. Neighborhood Associations

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15. Neighborhood businesses
16. Portland Planning Commission, as designated by the Planning Commission President, and serves as an ex officio member of the Committee.

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

D. Meetings, Officers, and Subcommittees.

1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

E. Attendance. Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

F. Compensation. Development Review Advisory Committee members shall serve without compensation.

3.30.040 Establishment of Enforcement Priorities and Remedies.

(Amended by Ordinance Nos. 175327 and 176955, effective October 9, 2002.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

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- A.** Adopt written policies and procedures for the enforcement of applicable Code provisions and laws and establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by the City Council.
- B.** Gain compliance by:
- 1.** Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code; or
 - 2.** Causing appropriate action to be instituted in a court of competent jurisdiction; or
 - 3.** Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.
 - 4.** Taking other lawful action.
 - 5.** Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 by using the following procedures:
 - a.** If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
 - b.** The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
 - c.** The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
 - d.** Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.

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- C.** Impose penalties for non-compliance, provide notification, and allow for appeals by:
- 1.** Initiating the notification procedures provided in Section 29.60.050 of this Code;
 - 2.** Imposing monthly enforcement penalties for each property that meets the following conditions:
 - a.** The property is the subject of a notice of violation by the Bureau of Development Services; and
 - b.** A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - c.** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
 - 3.** Doubling the fees if the violations are not corrected within six months from the initial notice of violation.
 - 4.** Imposing an additional penalty of \$200.00 against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
 - 5.** All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
 - 6.** Providing for administrative procedures as set forth in Section 29.70.010 C. through E.
 - 7.** Providing for administrative review and the opportunity for appeal to the Code Hearings Officer for enforcement penalties imposed by the Bureau of Development Services as described in Chapter 29.80 of this Code.
 - 8.** Allowing exceptions to the penalties as provided in Section 29.60.100 for low income households and allowing the Director to approve short term suspension of penalties in cases where a property owner is awaiting decision from another department or bureau or is delayed by events beyond his/her/its control.

3.30.050 Special Jurisdiction.

(Amended by Ordinance Nos. 176585 and 176955, effective October 9, 2002). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections 16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking citations and order the towing and storage and/or removal of such vehicles and objects.

3.30.060 Nuisance Abatement Contracts.

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

3.30.070 Inspections

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

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

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

C. Grounds for Issuance of Inspection Warrants; Affidavit.

- 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or

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investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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

D. Procedure for Issuance of Inspection Warrant.

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

E. Execution of Inspection Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

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2. Unoccupied Property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.
3. Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.
4. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

3.30.080 Stop Work Orders.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the responsible party may not resume work until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:
 1. Date of order;
 2. Permit or registration number, where applicable;
 3. Site address, legal description or project location of stop work order;
 4. A description of violations observed; and
 5. The conditions under which the work may resume.

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- B.** The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy will be sent to the responsible party by Certified mail. Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
- C.** It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D.** A stop work order is effective upon posting.
- E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice under Section A, above, within 24 hours.

Chapter 3.32

BUREAU OF LICENSES

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

Chapter 3.34

**BUREAU OF PURCHASES AND
STORES**

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

Chapter 3.36

**BUREAU OF FACILITIES
MANAGEMENT**

(Repealed by Ordinance No. 161018,
effective July 6, 1988.)

Chapter 3.38

**HOUSING AND COMMUNITY
DEVELOPMENT COMMISSION (HCDC)**

(Substituted by Ordinance No. 165302,
effective Apr. 8, 1992.)

Sections:

- 3.38.010 HCDC Established.
- 3.38.020 HCDC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Cooperation.

3.38.010 HCDC Established.

Upon adoption of ordinances by the Cities of Gresham, Portland, and Multnomah County, a Housing and Community Development Commission, advisory to the jurisdictions participating in the Comprehensive Housing Affordability Strategy (CHAS), is established. The HCDC is designated as the primary public forum in which policy development, resource coordination, and civil leadership are provided to address the affordable housing problems throughout Multnomah County.

3.38.020 HCDC Mission.

The mission of the HCDC is to increase the effectiveness of the public housing delivery system by providing coordination amount diverse public agencies which implement housing programs and by serving as a centralized liaison between those agencies and the governing bodies of the jurisdictions on issues regarding housing policy, goals, programs, and related allocation of public funds.

3.38.030 Duties.

The HCDC is delegated to carry out the following functions:

- A. Housing policy and planning.
 - 1. Develop and recommend countywide housing policy as embodied in the CHAS and guide the development of local housing policies in cooperation with the participating jurisdictions.
 - 2. Monitor and annually recommend updates to the CHAS.

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3. Recommend annual production and performance goals to carry out the CHAS.
 4. Review the activities of local planning and public works agencies for impacts on CHAS goals and make recommendations regarding the activities of these agencies.
- B.** Budget review and recommendations.
 1. Develop policy recommendations in accordance with CHAS priorities to guide the development of budgets and local priorities for affordable housing development.
 2. Recommend the allocation of HOME, housing-related CDBG funds, and other flexible funds to appropriate jurisdictions.
 3. Review public agency budgets and proposed work programs (including housing production goals) for consistency with the CHAS.
- C.** Resource and program development. Work closely with implementing agencies to identify and recommend ways to increase the supply and availability of affordable housing and necessary support services through new initiatives and programs.
- D.** Program evaluation.
 1. Evaluate annually the effectiveness of housing programs in meeting CHAS goals.
 2. Report annually to participating jurisdictions regarding performance of local housing programs to carry out the adopted CHAS. This annual report is to include recommendations as appropriate.
- E.** Linkage of housing development and supportive services.
 1. Establish formal linkages to service providers and specific groups and organizations through establishment of a resource network. The organizational structure of this network shall be outlined in the HCDC bylaws.
 2. Evaluate this resource network structure on annual basis.
- F.** Public-private partnerships.

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1. Improve access to public and private sources of financing for affordable housing initiatives. Sources of financing include banks, philanthropic institutions and other socially motivated entitlement funders, and bond issuing agencies.
2. Assist implementing agencies in developing a comprehensive technical assistance program to improve the capacity of local community development corporations to develop and manage low-income housing.
3. Foster housing production countywide by identifying opportunities to streamline the regulatory process.
4. Actively encourage the support, personal commitment, and participation of highly respected community leaders, including the Mayors, City and County Commissioners, and business leaders in furthering the community's affordable housing agenda.

G. Advocacy/community and Intergovernmental relations.

1. Foster awareness of and support for the jurisdictions' legislative agenda to increase federal and state support for housing and supportive services.
2. Facilitate regional housing policy coordination with the Metropolitan Service District and other local governments.
3. Coordinate policy development with local housing and social service groups, including but not limited to the Community Action Commission, the Community Housing Resource Board, and the Commission on Aging.

H. Information and referral. Work with existing information and referral groups to establish a clear system for information and referral for developers, citizens, and supportive services providers.

3.38.040 Membership.

- A.** The HCDC shall consist of 15 members. The City of Portland shall appoint 9 members. Multnomah County shall appoint 3 members. Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in housing development, finance, management, social services, community affairs, and consumer interests. The appointment of members shall take into account the income, racial, ethnic, and cultural diversity of the community.

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- B.** In addition, the Chair of the governing body or the Chief Executive Officer of the Portland Development Commission, the Housing Authority of Portland, and the Multnomah County Social Services Department, or their designees, shall hold non voting ex officio memberships on the Commission.
- C.** All appointments to the HCDC shall be for terms of three years. For the initial appointments, the following formula will be applied:
 - 1.** From the City of Portland, three members shall be appointment for a term of one year; three for a term of two years; and three for a term of three years.
 - 2.** From the City of Gresham, one member shall be appointed for a term of one year; one for a term of two years; and one for a term of three years.
 - 3.** From Multnomah County, one member shall be appointed for a term of one year; one for a term of two years; and one for a term of three years.
- D.** Members shall serve without compensation. However, jurisdictions may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the HCDC.
- E.** The HCDC shall adopt rules of procedure (bylaws) necessary for the governance of its proceedings and election of its officers.

3.38.050 Staffing.

Staff shall be provided for the ongoing functions of the HCDC according to funding agreements reached amount the participating jurisdictions. In addition, inter-agency agreements shall be established for a network of liaison staff representing the key implementing and policy agencies as deemed necessary for the HCDC to carry out the duties enumerated in Section 3.38.030 of this Chapter.

3.38.060 Cooperation.

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

Chapter 3.40

BUREAU OF GENERAL SERVICES

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

Chapter 3.44

BUREAU OF CIVIC AUDITORIUM

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

Chapter 3.46

BUREAU OF INSECT CONTROL

3.46.010 County to Perform Duties.

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

Chapter 3.52

BUREAU OF COMPUTER SERVICES

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

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Chapter 3.53

BUREAU OF RISK MANAGEMENT

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

Chapter 3.54

LOSS CONTROL AND PREVENTION

(Added by Ordinance No. 156028,
effective May 31, 1984.)

Sections:

- 3.54.010 Definitions.
- 3.54.020 Bureau of Risk Management Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.
- 3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

3.54.010 Definitions.

(Amended by Ordinance No. 158966, effective Oct. 6, 1986.) Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

- A. **“Bureau”** means any City bureau, office, commission, or committee.
- B. **“Committee”** means the Loss Control Advisory Committee, consisting of the Risk Manager as Chairperson, the Mayor and each Commissioner, the City Auditor, the City Attorney, the Director of the Office of Fiscal Administration, and the Personnel Director, or their designees.
- C. **“Loss Control Program”** and **“Program”** mean a Citywide program consisting the loss control components of the City’s bureaus. **“Loss control component”** and **“component”** mean the written rules, regulations, and plan developed by each bureau and reviewed by the Committee, providing for both procedural and physical risk identification, measurement, and control in the bureau’s activities. Components may address any methods for loss prevention and control, including

without limitation, accident reporting, accident review, hearing conservation, eye safety, respiratory protection, vehicular safety, industrial injuries and return to work, personal protective equipment, volunteer coverage, property loss management, and tort early warning.

3.54.020 Bureau of Risk Management Responsibility and Authority.

(Amended by Ordinance No. 158966, effective Oct. 6, 1986.) The Bureau of Risk Management shall have the following responsibility and authority in the area of City loss control and prevention:

- A. Develop guidelines, instructions, and a model plan to assist bureaus in developing loss prevention and control components;
- B. On final review by the Committee of components submitted by the bureaus, file the City-wide program with the City Auditor and issue the program for implementation by affected bureaus;
- C. Advise and assist affected bureaus in the implementation of components or parts thereof;
- D. Monitor the effectiveness of components, and collect, analyze, and report annually to the Committee and City Council data showing the status of the components and the performance of bureaus implementing the components.

3.54.030 Bureau Responsibility and Authority.

(Amended by Ordinance No. 158966, effective Oct. 6, 1986.) Each City bureau shall have the following responsibility and authority:

- A. Develop a written loss control component which shall include detailed and specific objectives, methods, and techniques for preventing injuries, illnesses, and other events leading to workers' compensation, liability, and property loss claims;
- B. Include in the component specific performance objectives to permit monitoring and reporting on the Bureau's performance in reducing claims;
- C. Submit the proposed component to the Committee for review;
- D. On completion of review by the Committee and approval by the Bureau of Risk Management, implement the component;
- E. Annually review its component, make any appropriate revisions, and submit any revisions of the component to the Committee for its review.

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3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

(Added by Ordinance No. 158966, effective Oct. 6, 1986.) The Loss Control and Prevention Advisory Committee shall have the following responsibility and authority:

- A.** In conjunction with bureau managers, develop and propose for approval by the City Council goals for each bureau or appropriate groups of bureaus for the frequency and severity of workers' compensation and liability losses.
- B.** Obtain from each bureau its proposed written loss control component;
- C.** Review each component to ensure that it is appropriate, adequate, thorough, and consistent with components developed by other bureaus;
- D.** Suggest revisions, if appropriate, and return the component to the bureau for consideration or revisions;
- E.** Upon final review of components, provide them to the Bureau of Risk Management for approval and implementation by bureaus.

Chapter 3.57

**INDUSTRIAL INJURY RETURN
TO WORK POLICY**

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

Chapter 3.58

VEHICLE LOSS CONTROL POLICY

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

Chapter 3.60

ZOO COMMISSION

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

Chapter 3.62

BOXING COMMISSION

3.62.010 Certain City Officials to Render Certain Services.

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

Chapter 3.64

ART COMMISSION

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

Chapter 3.66

**CIVIC AUDITORIUM ADVISORY
COMMITTEE**

(Repealed by Ordinance No. 160034,
effective Aug. 13, 1987.)

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Chapter 3.67

**PERFORMING ARTS ADVISORY
COMMITTEE**

(Added by Ordinance No. 152285,
effective Sept. 17, 1981.)

Sections:

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

3.67.010 Creation and Organization.

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

3.67.020 Procedure and Rules of Committee.

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

3.67.030 Duties.

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

Chapter 3.68

**FORMAL JAPANESE GARDEN
COMMISSION**

Sections:

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

3.68.010 Created.

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

3.68.020 Powers and Duties.

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

3.68.030 Meetings.

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

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3.68.040 Officers.

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

3.68.050 Rules - Quorum.

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

3.68.060 Vacancy - Removal.

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

Chapter 3.70

**PITTOCK MANSION ADVISORY
COMMISSION**

Sections:

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

3.70.010 Created - Terms.

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

3.70.020 Powers and Duties.

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

3.70.030 Special Committees and Services.

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

3.70.040 Meetings.

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

3.70.050 Officers.

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

3.70.060 Rules - Quorum.

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

3.70.070 Vacancy.

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

Chapter 3.71

ENVIRONMENTAL COMMISSION

(Added by Ordinance No. 164432;
repealed by Ordinance No. 167239,
effective Dec. 29, 1993.)

**TITLE 3
ADMINISTRATION**

Chapter 3.72

COMMITTEE ON CLAIMS

Sections:

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

3.72.010 Created - Members - Meetings.

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

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

3.72.020 Presentation of Claims.

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

3.72.030 Consideration of Claims Not Covered by Insurance.

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

3.72.040 Claims Covered by Insurance.

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

Chapter 3.74

OATHS OF OFFICE

Sections:

- 3.74.010 Persons Required to Take Oath.
- 3.74.020 Form of Oath for Mayor, Commissioner and Auditor.
- 3.74.030 Form of Oath for Other Officer or Employee.

3.74.010 Persons Required to Take Oath.

Each of the following employees shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the Auditor;

- A. Every officer and member of the Bureau of Police, including private, special, temporary, and substitute policemen;
- B. Each officer and member of the Bureau of Fire serving on full time and devoting his labor exclusively to the interests of the City; and
- C. Each elected or appointed officer or deputy of the City, including members of boards and commissions.

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

(Amended by Ordinance No. 168343, effective Jan. 7, 1995.) The form of oath to be taken by the elected officials of the City before entering upon the discharge of their duties shall be substantially as follows:

State of Oregon)
County of Multnomah) ss.
City of Portland)

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

.....
Subscribed and sworn to before me this day of, 19. . . .

.....
Auditor of the City
of Portland, Oregon
.....
Deputy

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The oath of the Auditor shall be administered by a person having statutory authority under the laws of Oregon to administer oaths.

3.74.030 Form of Oath for Other Officer or Employee.

(Amended by Ordinance Nos. 139501 and 168343, effective January 7, 1995.) The form of oath to be taken by appointed City officials shall be substantially as follows:

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

The wording of the oath may vary, as officials are sworn according to the ceremonies of their own religion or in such manner as each deems binding on his or her conscience.

The oath may be administered by the Auditor, deputy auditor, a notary public, or a magistrate of any court of record in the United States, within their respective jurisdictions. Whenever the oath is administered by a person other than the Auditor or deputy, the credentials of the person administering the oath shall appear thereon, and the oath shall be sent immediately to the Auditor, who shall attest to receipt of the oath.

Chapter 3.76

PUBLIC RECORDS

(New Chapter substituted by Ordinance
No. 162306, effective Sept. 29, 1989.)

Sections:

- 3.76.010 Definitions.
- 3.76.020 Purpose.
- 3.76.030 Archival and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Records Management Officer.
- 3.76.050 Duties of the Managers of City Departments, Agencies, Bureaus, Offices, Commissions, Boards and Public Corporations.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

3.76.010 Definitions.

In this Chapter, unless the context otherwise requires:

- A. **“Agency”** means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland.
- B. **“Record”** means any document, paper, book, letter, drawing, map, plat, photograph, photographic file, motion picture film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other document of any other material, regardless of physical form or characteristic, developed or received in connection with the transaction of official business and preserved or appropriate for preservation by an agency as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Portland or because of the informational value in them. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications.
- C. **“Public”** means all records created or received by the City of Portland in the course of official business. These records are public property and are subject to records management requirements established by this Code.

3.76.020 Purpose.

The purpose of this Chapter is to provide for the orderly management of current public records and to preserve non-current public records of permanent value for administrative, legal, and research purposes. (Repeals City Code 3.76 and Ordinance 144378 and 146843.)

3.76.030 Archival and Records Management Program Creation and Administration.

The City Auditor shall maintain an archival and records management program for the City, and shall be the official custodian of the City’s archival resources. The City Auditor shall designate a records management officer who is qualified by special training and experience in archival and records management work to administer a City archives and records management program.

3.76.040 Authority and Duties of the Records Management Officer.

In order to carry out the archival and records management program, the records management officer shall:

- A. Acquire and receive public records of permanent value from departments, agencies, bureaus, offices, commissions, boards, and public corporations of the City of Portland when those records are no longer necessary for conducting current business;

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- B.** Acquire, receive, appraise, and secure all public records for areas annexed from a county or special district or from a defunct agency of the City of Portland;
- C.** Negotiate for the acquisition and return of public records of the City of Portland which have been taken from its possession, or provide for the reproduction of records removed from its custody, or provide information concerning the location of these records if they have been maintained in a safe and usable manner and are available for public use, or recommend to the City Auditor action to recover City records removed from its jurisdiction without authorization;
- D.** Prepare inventories, indexes, catalogs, and other finding aids or guides to facilitate the use of the permanent records collection;
- E.** Analyze, develop and provide written standards and procedures for current record keeping;
- F.** Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;
- G.** Establish procedures for City agencies with regard to microfilm applications to enhance retrieval of information, ensuring that the benefits derived exceed the cost of the activity;
- H.** Establish procedures for the preparation of records descriptions and develop records retention schedules which meet the requirements of Oregon Administrative Rules, provide for the safe retention of City records of permanent value, and for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- I.** Prepare records retention schedules for review by the City Auditor and City Attorney and for approval by the state archivist;
- J.** Prepare an annual report as requested by the City Auditor on the condition of the City's archival resources and the management of current records.

3.76.050 Duties of the Managers of City Departments, Agencies, Bureaus, Offices, Commissions, Boards, and Public Corporations.

The manager of each City department, agency, bureau, office, commission, board, or public corporation shall:

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- A.** Make and preserve public records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Prepare and submit to the records management officer records retention schedules proposing the length of time records should be retained to meet agency needs;
- C.** Identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- D.** Ensure that at least two copies of each report, document, study, publication or consultant report prepared at City expense be deposited with the records management officer;
- E.** Notify the records management officer of records older than 25 years in the agency's possession. Transfer control of records or provide for duplication of information as recommended by the records management officer;
- F.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- G.** Designate a mid-management employee to act as a liaison between the agency and the records management officer on all matters relating to the archives and records management program.

3.76.060 Care of Records.

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

3.76.070 Destruction of Records.

Upon receiving approval from the state archivist, the records management officer will notify concerned agencies of the records retention and disposition schedules ready for implementation. At least thirty days before the disposal date, the records management officer will send the agency a destruction notice for records under records management control. Records will not be destroyed until final authorization is received. Records destruction will be carried out with appropriate safeguards for confidentiality.

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3.76.080 Use of Copies.

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

3.76.090 Public Access to Records.

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

Chapter 3.77

OFFICE OF THE OMBUDSMAN

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

Sections:

- 3.77.010 Purpose.
- 3.77.020 Definitions.
- 3.77.030 Office of the Ombudsman.
- 3.77.040 Ombudsman Selection.
- 3.77.050 Qualifications and Prohibitions.
- 3.77.060 Reserved.
- 3.77.070 Removal.
- 3.77.080 Staff and delegation.
- 3.77.090 Reserved.
- 3.77.100 Office Facilities and Administration.

- 3.77.110 Powers and Duties.
- 3.77.120 Investigations of Complaints.
- 3.77.130 Communications with Agency.
- 3.77.140 Communications with Complainant.
- 3.77.150 Procedure after Investigation.
- 3.77.160 Informing Citizens.
- 3.77.170 Reports.
- 3.77.180 Reserved.
- 3.77.190 Duty to Cooperate.
- 3.77.200 Ombudsman Immunities.
- 3.77.210 Reprisals Prohibited.
- 3.77.220 Relationship to Other Laws.
- 3.77.230 Effective Date.

3.77.010 Purpose.

The City hereby establishes, in addition to other remedies or rights of appeal, an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of city agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of city services. This office shall be known as the Office of the Ombudsman.

3.77.020 Definitions.

In this chapter:

- A. "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.
- B. "Agent or agency" includes any bureau, office, institution, corporation, authority, board, commission, committee of the city, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. EXCEPTING: elected officials and their personal staff.
- C. "City Auditor" refers to the elected City Auditor.
- D. "City" refers to the City of Portland.
- E. "City Council" refers to the City's legislative body comprised of five elected officials, the Mayor, and four City Commissioners.
- F. "Ombudsman" means the public official appointed by the City Auditor to receive and investigate citizen complaints against administrative acts of City government.

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- G.** "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- H.** "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.
- I.** "State" refers to the State of Oregon.

3.77.030 Office of the Ombudsman.

There is established by the City Council the Office of Ombudsman.

3.77.040 Ombudsman Selection.

The City Auditor shall select the Ombudsman in accordance with any applicable civil service regulations and other laws.

3.77.050 Qualifications and Prohibitions.

- A.** The Ombudsman shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations, administration, and public policy, and shall have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman shall be a registered voter of the United States, and shall hold a degree from an accredited college/university, or its equivalent in service to local government.
- B.** No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of his or her duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

3.77.060 Reserved.

3.77.070 Removal.

- A.** The Ombudsman may be removed from office during his or her term by the City Auditor.
- B.** If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

3.77.080 Staff and Delegation.

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

3.77.090 Reserved.

3.77.100 Office Facilities and Administration.

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

3.77.110 Powers and Duties.

The Ombudsman's powers and duties include, but are not limited to the following:

- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if he or she reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;

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- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and he or she may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency personnel;
- D.** Notwithstanding any other provision of city law, to have access to and to examine and copy, without payment of a fee, any agency records, including records which are confidential by city law, subject to any applicable state or federal laws. Except, the Ombudsman shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Ombudsman shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;
- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Ombudsman Office;
- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I.** To insure that a budget for the Office of the Ombudsman is well prepared and administered.

3.77.120 Investigations of Complaints.

- A.** The Ombudsman shall receive complaints from any source concerning any administrative act. He or she may conduct a suitable investigation of a complaint that is an appropriate subject for investigation. An appropriate subject for investigation by the Ombudsman includes any administrative act that the Ombudsman believes might be:

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1. contrary to, law, regulation or agency practice;
 2. unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
 3. based on mistaken facts or irrelevant considerations;
 4. unclear or not adequately explained;
 5. performed in an inefficient or discourteous manner;
 6. otherwise erroneous or objectionable.
- B.** The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:
1. the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
 2. the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
 3. the complaint has been too long delayed to justify present examination;
 4. the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
 5. the complaint is trivial, frivolous, vexatious or not made in good faith;
 6. the resources of the Ombudsman's Office are insufficient for adequate investigation;
 7. other complaints are more worthy of attention.
- C.** The Ombudsman shall not investigate matters currently in litigation; covered by collective bargaining agreement grievance procedures; or, employee or applicant discrimination complaints.
- D.** The Ombudsman's declining to investigate a complaint shall not bar the Ombudsman from proceeding on his or her own initiative to investigate an administrative act whether or not included in the complaint.

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- E.** The Ombudsman shall protect the confidentiality of complainants or witnesses coming before him or her consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out his or her duties or the disclosure of records is directed by the District Attorney. (See Subsection 3.77 110 F.)
- F.** The Ombudsman shall have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

3.77.130 Communications with Agency.

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

3.77.140 Communications with Complainant.

- A.** After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.
- B.** The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C.** After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

3.77.150 Procedure after Investigation.

- A.** If, after investigation, the Ombudsman is of the opinion that an agency should:
 - 1.** consider the matter further,

2. modify or cancel an act,
3. alter a regulation, ruling, practice, policy or procedure;
4. explain more fully the act in question,
5. rectify an omission, or take any other action,

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

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

3.77.160 Informing Citizens.

The Ombudsman shall post notices or use other appropriate means to inform citizens of their rights, protections, and availability of services provided for under this Chapter. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

3.77.170 Reports.

The Ombudsman may from time to time and shall annually report his or her activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

3.77.180 Reserved.

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3.77.190 Duty to Cooperate.

City employees shall cooperate with the Ombudsman in the exercise of his or her powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

3.77.200 Ombudsman Immunities.

To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter.

3.77.210 Reprisals Prohibited.

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

3.77.220 Relationship to Other Laws

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

3.77.230 Effective Date

This Act shall take effect on July 1, 2001.

Chapter 3.78

**ACQUISITION OF COUNTY PROPERTY
FOR PARK PURPOSES**

Sections:

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

3.78.010 Authorization for Payment.

(Amended by Ordinance No. 173369, effective May 12, 1999.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the City Auditor is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Auditor shall submit the matter to the City Attorney.

3.78.020 Title Reports.

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

3.78.030 Clearing of Title.

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

3.78.040 Retaining Property with Cloud on Title.

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

Chapter 3.80

SPECIAL PERMITS

Sections:

- 3.80.010 Operations to Cease Upon Expiration of Permit.
- 3.80.020 Use of Park Property for Private Gardening Purposes.

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3.80.010 Operations to Cease Upon Expiration of Permit.

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

3.80.020 Use of Park Property for Private Gardening Purposes.

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

Chapter 3.82

OFFICER AND EMPLOYEE BONDS

Sections:

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

3.82.010 Exceptions.

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

3.82.020 Bond of the City Treasurer.

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

3.82.030 City Auditor's Bond.

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

Chapter 3.84

**CITY OWNED MOTOR VEHICLE
ACCIDENT REPORTS**

Sections:

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

3.84.010 Filing of Accident Report.

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

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

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- C. Whenever the driver of a vehicle involved in an accident is injured thereby so as to be incapable of making a required accident report and there was another City employee occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

3.84.020 Form of Report.

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

3.84.030 Repair Shop Report.

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle is received, giving the City property number of such vehicle, department, and a general description of the damage.

3.84.040 Repair.

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

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

3.84.050 Billing of Charges.

No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Auditor as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

Chapter 3.86

GOLF ADVISORY COMMITTEE

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

Sections:

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

3.86.010 Created - Organization.

(Amended by Ordinance Nos. 169770, 178253 and 178935, effective December 8, 2004.)
There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years. The Commissioner In Charge or his/her representative shall be an ex officio member of the Committee.

3.86.020 Procedure and Rules.

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

3.86.030 Duties.

(Amended by Ordinance No. 169770, effective Mar. 8, 1996.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-In-Charge regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program; review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization and use of Golf System revenue. The Committee shall make an annual written report to the Commissioner-In-Charge, and to the Council.

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Chapter 3.88

INVESTMENT ADVISORY COMMITTEE

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

Sections:

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

3.88.010 Created - Organization.

(Amended by Ordinance No. 167877, effective July 6, 1994.)

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

3.88.020 Procedure and Rules.

(Amended by Ordinance No. 167877, effective July 6, 1994.) The Investment Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold at least three meetings per year at such times as is set by the body and at any other time at the call of the Chair. The Office of Finance and Administration shall provide clerical staff.

3.88.030 Duties.

(Amended by Ordinance No. 167877, effective July 6, 1994.) The Investment Advisory Committee shall advise the Commissioner In Charge, the Director of the Office of Finance and Administration, the City Council and the City Treasurer of the City on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Commissioner in Charge of the Office of Finance and Administration, the City Council or the Director of Finance and Administration may request.

Chapter 3.90

OFFICE OF MANAGEMENT SERVICES

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

Chapter 3.92

BUREAU OF HUMAN RESOURCES

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

Chapter 3.94

**OFFICE OF PLANNING AND
DEVELOPMENT**

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

Chapter 3.95

**BUREAU OF ECONOMIC
DEVELOPMENT**

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

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Chapter 3.96

**OFFICE OF NEIGHBORHOOD
INVOLVEMENT**

(New Chapter replaced by
Ordinance No. 179418,
effective August 12, 2005.)

Sections:

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

3.96.010 Purpose.

This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Neighborhood Involvement and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

3.96.020 Definitions.

As used in this Chapter the following terms have the meanings given them in this Section.

- A. Neighborhood:** A geographically contiguous self-selected community.
- B. Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Neighborhood Involvement, and subject to Chapter 3.96.

- C. **District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.
 - 1. **Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.
 - 2. **City--Staffed District Coalition:** An office partially or fully staffed by City personnel to provide neighborhood services as advised by the participating Neighborhood Associations.

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

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

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

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

3.96.030 Neighborhood Associations.

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

- B. **Functions of Neighborhood Associations.** A Neighborhood Association may engage in, but is not limited to the following:
 - 1. Make recommendation(s) concerning a particular action, policy or other matter to any City agency on any topic affecting the livability, safety and economic vitality of the Neighborhood, including but not limited to land

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use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality and public safety; and,

2. Assist City agencies in determining priority needs of the Neighborhood; and,
3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,
4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and ONI to create District Coalitions.

C. Responsibilities of Neighborhood Associations.

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

D. Benefits to Neighborhood Associations.

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

3.96.040 Functions of District Coalitions.

A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;

- B.** Facilitate communication between people and government;
- C.** Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D.** Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E.** Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F.** Abide by the Standards established by the Office of Neighborhood Involvement.

3.96.050 Responsibility of City Agencies.

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

3.96.060 Responsibilities of the Office of Neighborhood Involvement.

There is hereby established and created an Office of Neighborhood Involvement which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Neighborhood Involvement shall:

- A.** Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review; and,
- B.** Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public; and,
- C.** Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system; and,

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- D.** Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions; and,
- E.** Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy; and,
- F.** Support and promote public involvement within the Neighborhood Association framework; and,
- G.** Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through Neighborhood Associations and District Coalitions. In so doing, the Office of Neighborhood Involvement shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary; and,
- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Neighborhood Involvement may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association; and,
- I.** Promote, encourage and support diverse and multicultural public involvement; and,
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Neighborhood Involvement; and,
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions.

Chapter 3.98

TOWING BOARD OF REVIEW

(Added by Ordinance No. 138941,
effective Oct. 10, 1974.)

Sections:

- 3.98.010 Created - Organization.
- 3.98.020 Procedure and Rules.
- 3.98.030 Staff.
- 3.98.040 Contracts - Rates.
- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

3.98.010 Created - Organization.

(Amended by Ordinance Nos. 143364, 149583, 157639, 168911, and 172488 effective July 22, 1998.)

- A.** There hereby is created a Towing Board of Review, hereinafter referred to as the Board, consisting of eight voting members and two nonvoting members. A quorum of the Board shall consist of five voting members.
- B.** The voting members of the Board shall be: the Business License Director or an appropriate designee; the Executive Director of the Port of Portland or appropriate designee; the Chief of Police or an appropriate designee; the Traffic Engineer or appropriate designee; the Sheriff of Multnomah County or an appropriate designee; and three members of the general public with no affiliation with the towing industry, appointed by the Mayor, subject to confirmation by the City Council to serve for a period of 2 years. The Mayor shall designate one of the eight voting members to serve as the Chair, who shall so serve at the Mayor's pleasure.
- C.** The two nonvoting members shall be representatives of the towing industry appointed by the Mayor to serve for 1 year subject to confirmation by the Council.

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- D.** All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board. A vacancy on the board shall be filled in accordance with the appointment procedures described above.
- E.** If any member of the Board is absent from more than three regularly scheduled meetings of the Board during a single calendar year, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board and the position shall thereafter be vacant and subject to appointment.

3.98.020 Procedure and Rules.

The Towing Board of Review shall establish its own rules and bylaws, and provide the procedure for all matters for consideration or action by the Board.

3.98.030 Staff.

(Amended by Ordinance Nos. 153508 and 157639, effective July 25, 1985.) The Bureau of Licenses shall provide staff and appropriate assistance for the Board.

3.98.040 Contracts - Rates.

- A.** The Board shall determine the terms and content of the contracts the City will abide by in contracting for dispatching and towing services.
- B.** The Board is empowered to hold public hearings to establish a fair rate of payment to be received for service performed under the various towing contracts and to determine the payment each towing company shall make to the dispatcher for services rendered.

3.98.050 Eligibility.

(Amended by Ordinance No. 153508, effective Aug. 2, 1982.) The Towing Board of Review shall establish the terms, conditions, and contents of the City towing contracts, and the terms, conditions, and methods of selecting towing companies eligible for such contracts and able and willing to perform in accordance with the terms thereof, and shall certify to the Council the towing companies thereby eligible for a towing contract with the City.

3.98.060 Powers of Board.

The Board shall be responsible for reviewing the performance of the City's towing service contracts and to recommend to the Council any changes it feels necessary to promote the general purpose of establishing fair and equitable arrangements for the performance of tows requested by City personnel and the board shall be empowered to act on behalf of the City to:

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- A.** Oversee the operation of and inspect the equipment and personnel qualifications of all parties contracting with the City for towing or dispatching service to determine if they are in compliance with their contracts; and hear and investigate complaints regarding the City's towing contracts and the performance thereof.
- B.** Establish dispatching district boundaries and lists of towing companies within each district eligible to be dispatched for tows:
 - 1.** In establishing district boundaries, the Board shall consider;
 - a.** The number and location of towing companies certified by the board as eligible for City towing contractors, and;
 - b.** That the purpose of establishing districts is to ensure that a tow truck shall be available in the minimum amount of time possible and no later than 30 minutes after request for tow is received; and a motorist whose vehicle is towed shall have to travel the minimum possible distance to recover his vehicle;
 - 2.** The Board is authorized to establish separate district boundaries if necessary for the dispatching of tows to be performed under different forms of contracts.
- C.** Cancel any towing or dispatching contract under the terms thereof.

3.98.080 Appeals.

(New Section substituted by Ordinance No. 170282, effective June 19, 1996). Any towing company directly affected by an action of the Board may appeal to the Code Hearings Officer, pursuant to provisions of Chapter 22.10 of this Code under the following circumstances:

- A.** The towing company's contract with the City has been revoked or suspended by the Towing Board of Review;
- B.** The towing company has been directed by the Towing Board of Review to pay a civil penalty; or,
- C.** Against whom the Towing Board of Review has otherwise elected to impose Contract remedies.

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Chapter 3.99

FAIR WAGE POLICIES

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

Sections:

- 3.99.005 Policy.
- 3.99.010 Covered Services.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.

3.99.005 Policy.

It is the policy of the City of Portland that employees performing certain categories of work under formal service contracts with the City of Portland be guaranteed a minimum fair wage including benefits to equal a specified minimum total compensation. City bureaus and operating units have the discretion to implement this policy in a reasonable manner.

3.99.010 Covered Services.

The Fair Wage Policy applies to formal service contracts entered into by the City of Portland for janitorial, security, and parking attendant services.

3.99.015 Compliance.

City of Portland bureaus or operating units entering into formal contracts for covered services shall include the annual minimum wage and total compensation amount established by the City Office of Management and Finance in all procurement announcements and resulting contracts. Compliance with the minimum wage and total compensation requirements shall be monitored through submission of monthly certified payroll, mandatory employee notification of annual minimum wage and total compensation rates via on-site postings, designation of a bureau-based individual responsible for compliance monitoring and complaint resolution, and other measures deemed appropriate by the City. Contracts entered into by the City for covered services shall also include a non-retaliation clause protecting workers who assert wage claims based on this Chapter.

3.99.020 Adjustments

The fiscal year 2000/01 minimum wage shall be \$8.00/hour with a minimum total compensation of \$9.50/hour. "Total compensation" includes wages and the employer's cost of paid leave, life or health insurance, or retirement, but does not include mandated employer costs such as FICA, state unemployment insurance, or other payroll taxes. The Office of Management and Finance shall provide City bureaus with a yearly minimum

wage and minimum total compensation figure for covered services which is anticipated to be adjusted annually in light of any year-to-year percentage increase in the Portland/Salem Consumer Price Index wage earners (cpi-w) as published by the Bureau of Labor Statistics in February of each year. In making these adjustments, the Office of Management and Finance shall take into account the City's overall financial picture, and this code shall not be interpreted to require any increase which is inconsistent with the City's financial health and capabilities.

Chapter 3.100

EQUAL OPPORTUNITY

(New Chapters substituted by
Ordinance No. 144724,
effective Nov. 10, 1977.)

Sections:

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

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- 3.100.083 Liaison Officer.
- 3.100.084 Minority/Female Business Enterprise List.
- 3.100.085 Advertising.
- 3.100.086 Minority/Female Purchasing Associations.
- 3.100.087 Monitoring.
- 3.100.088 Certification.
- 3.100.089 Rules and Regulations.

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

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

3.100.010 Affirmative Action Program.

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

3.100.011 Definitions.

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

3.100.012 Policy.

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

3.100.013 Objectives.

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

3.100.014 Management Commitment.

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

- 3.100.015 Regulatory Committee.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.016 Bureau EEO Advisory Committees.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.017 Reports and Audits.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.018 Complaints of Discrimination.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.019 Sanction.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.020 Rules and Regulations.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.021 Identification of Handicapped.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.022 Management Commitment.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.023 Objectives.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.030 Contractor Equal Employment Opportunity Program.**
- 3.100.031 Definitions.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.032 Contracts with the City.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.033 Franchises.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.034 Certification of Contractors.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.035 Rules and Regulations.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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3.100.036 Compliance by Contractors.

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

3.100.037 Denial or Revocation of Certification.

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

3.100.038 Compatibility with Other Rules.

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

3.100.039 State of Emergency.

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

3.100.040 Exemptions.

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

3.100.041 Contracts with City.

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

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

contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

3.100.042 Certification of Contractors.

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

3.100.043 Information Required.

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

3.100.044 Compliance Review.

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

3.100.045 Denial, Suspension, Revocation

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

- A.** Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
- 1.** Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
 - 2.** Engages in discrimination prohibited by state, federal or local law;
 - 3.** Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;

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4. Refuses to provide information when the Bureau is conducting a Compliance Review;
 5. Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau's request for information; or
 6. Intentionally employs subcontractors that are not EEO certified.
- B.** Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C.** Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

3.100.050 Nondiscrimination in Contracting.

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

3.100.051 Policy regarding Benefits.

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

3.100.052 Definitions.

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

- A.** "Bureau" means the Bureau of Purchases.
- B.** "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C.** "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.

- D.** "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.
- E.** "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.100.053 Discrimination in the provision of benefits prohibited.

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

- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
 - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

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1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
 2. Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
 3. Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
1. Award of a contract or amendment is necessary to respond to an emergency;
 2. No compliant contractors are capable of providing goods or services that respond to the City's requirements;
 3. The contractor is a public entity;
 4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D.** Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E.** The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F.** The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.

- G.** All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

3.100.054 Limitations.

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

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

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

3.100.055 Powers and duties of the Director.

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

- A.** Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B.** Examine contractor's benefit programs covered by this chapter;
- C.** Allow for remedial action after a finding of non-compliance, as specified by rule.
- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
 - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
 - 2.** Contractual remedies, including, but not limited to, termination of the contract.

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- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

3.100.056 Severability of Provisions.

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

3.100.060 Grant Equal Opportunity Compliance Program.

3.100.061 Definitions.

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

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

3.100.062 Purpose.

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

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.
- C.** To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

3.100.063 Responsibility.

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

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- A.** Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.
Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.
- B.** Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:
- 1.** Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.
 - 2.** Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.
- C.** Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

3.100.064 Compliance Monitoring.

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

3.100.065 Rules and Regulations.

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

3.100.080 Minority/Female Purchasing Program.

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

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3.100.081 Definitions.

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

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

3.100.082 Purpose.

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

3.100.083 Liaison Officer.

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

3.100.084 Minority/Female Business Enterprise List.

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

3.100.085 Advertising.

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

3.100.086 Minority/Female Purchasing Associations.

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

3.100.089 Rules and Regulations.

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

3.100.090 Metropolitan Human Relations Commission Review and Evaluation.

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

Chapter 3.101

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

(Added by Ordinance No. 157768,
effective Aug. 29, 1985.)

Sections:

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

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3.101.010 Definitions.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.) As used in this Chapter:

- A. **“Low income”** means income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
- B. **“Eligible property”** means land and improvements thereon:
 - 1. Which are either single or multi-family residential units and or properties which are not residential units but which will become occupied residential units through rehabilitation improvements or new construction and are intended for the exclusive occupancy by low income during the tax year for which approval of the application has been granted;
 - 2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of 3.101.030 B 1-2 by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to Chapter 108 Oregon Laws 1993;
 - 3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.
- C. **“Governing body”** means the City of Portland, which for the purpose of this Chapter is the Bureau of Planning.

3.101.020 Eligible Organizations.

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

3.101.030 Eligible Property.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.) As used in this Chapter:

- A. “Eligible property” as defined in 3.101.010 B 1-3 which meets all of the following criteria, pursuant to Chapter 108 Oregon Laws 1993, and other conditions of this Chapter shall be exempt from taxation:

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1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to Chapter 108 Oregon Laws 1993;
 2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
 3. The property is occupied by low-income persons as defined in 3.101.010 A of this Chapter.
 4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
 5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.
- B.** For the purposes of this Chapter, pursuant to Chapter 108 Oregon Laws 1993, a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:
1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
 2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.

3.101.040 Application Procedure.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.)

- A.** To qualify for the exemption the corporation shall file an application for exemption with the Bureau of Planning acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. the application shall include the following information:
1. The applicant's name, address, and telephone number;

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2. The assessor's property account number for each site;
 3. The number of units and the exempted amount of each property being applied for under this Chapter;
 4. A description of the property for which the exemption is requested; And (e) through (h) and (2), pursuant to Chapter 108 Oregon Laws 1993 as follows:
 5. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
 6. A description of how the tax exemption will benefit project residents; and
 7. A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
 8. A certification and declaration that income levels of low-income occupants are in accordance with 42 U.S.C. Section 1437 (a) (b) (2);
 9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
 10. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this ordinance at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
 2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the March 1 application deadline;
 3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
 4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.

- C. The applicant shall verify the information in the application, in accordance with 3.101.040 B 1 through 3 above, by oath or affirmation.
- D. Applicants for an exemption under this Chapter shall pay an initial application fee of \$250. Applicants for annual renewal shall pay \$50. The Bureau of Planning shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Bureau of Planning or the County Assessor in processing the application. The Bureau of Planning shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred. If the applicant is denied, the City shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.

3.101.050 Review of Application.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.)

- A. Within 30 days after the March 1 deadline for the application and payment of the application fee, the Bureau of Planning shall approve or deny the application. The application shall be approved if the Bureau of Planning finds that the property is “eligible property” within the meaning of the paragraphs 1 through 3 of Subsection B of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter. An application not acted upon within 30 days shall be deemed approved in accordance with Oregon Chapter 108, Oregon Laws 1993.
- B. If the application is approved, the Bureau of Planning shall send written notice of approval to the applicant at his or her last-known address within 10 days after approval.
- C. If the application is denied, the Bureau of Planning shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Bureau of Planning shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- D. Upon denial by the Bureau of Planning, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the Council may be taken as provided by law.
- E. The application shall be assigned an application and receipt number.

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3.101.060 Annual Application Renewal.

(Amended by Ordinance Nos. 167356 and 178286, effective April 7, 2004.)

- A. Applicants for property tax exemption must apply each year no later than September 1 in order to be qualified for property tax exemption for the following tax year.
- B. The annual application renewal fee shall be \$50.
- C. Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, and before July 1, 2014.

3.101.070 Assessment Exemption.

(Amended by Ordinance Nos. 167356 and 178286, effective April 7, 2004.)

- A. Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning January 1 of the year immediately following the calendar year in which exemption approval has been granted, when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.
- B. Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2014.
- C. The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

3.101.080 Termination.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.)

- A. If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Bureau of Planning finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Bureau of Planning shall give notice in writing to the owner, mailed to the owner's last-known address, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and

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require the owner to appear before the Council to show cause at a specified time, not more than 20 days after mailing of the notice, why the exemption should not be terminated.

- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the exemption shall be terminated. A copy of the termination shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address, within 10 days after its adoption.
- C.** However, if the City Council finds that the non-compliance was due to circumstances beyond the control of the owner, and that the owner had been acting and could reasonably be expected to act in good faith and with due diligence, the City Council may continue the exemption or some portion for the duration of the current application.
- D.** The decision of the Council may be appealed as provided by law.
- E.** If no appeal is taken as provided in Subsection D of this Section, or upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.207 to 311.213, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by the Council or by a court, in accordance with the findings of the Council or the court as the assessment year in which the exemption is to terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.207 to 311.213. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

3.101.090 Implementation.

(Amended by Ordinance No. 167356, effective Feb. 9, 1994.) The Bureau of Planning shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by Chapter 108 Oregon Laws 1993.

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Chapter 3.102

**PROPERTY TAX EXEMPTION FOR
RESIDENTIAL REHABILITATION AND
NEW CONSTRUCTION OF SINGLE-
UNIT HOUSING IN HOMEBUYER
OPPORTUNITY AREAS**

(Substituted by Ordinance No. 162854;
amended by 176786, effective
September 6, 2002.)

Sections:

- 3.102.010 Definitions.
- 3.102.020 Application for Limited Assessment.
- 3.102.030 Review of Application.
- 3.102.040 Certificate of Qualification.
- 3.102.050 Affordability Agreement.
- 3.102.060 Assessment.
- 3.102.070 Annual Statements.
- 3.102.080 Termination.
- 3.102.090 Designation of Homebuyer Opportunity Areas.
- 3.102.100 Sunset of the Exemption for Owner-Occupied Rehabilitation and New Single-Unit Residences in Distressed Areas.

3.102.010 Definitions.

(Amended by Ordinance Nos. 164769, 170667, 171887, 171977, 176786 and 179685, effective November 18, 2005.) As used in this Chapter:

- A. “Distressed area”** means those areas of the City designated by rule by the Bureau of Planning in consultation with the Portland Development Commission, and the Bureau of Housing and Community Development that meet the requirements set out in ORS 308.450 (1), ORS 458.005 (1), and Section 3.102.090 of this Chapter. For the purposes of administering Chapter 3.102, a "distressed area" shall hereafter in this Chapter be called a "homebuyer opportunity area" and be identified as such on any maps and application materials developed for this program.
- B. “Rehabilitation Improvements”** means modifications to existing structures which are made to achieve a condition of substantial compliance and which may include new construction as part of the overall project.

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- C. “Substantial compliance”** means compliance with Title 29, “Housing Regulations.” It shall not mean that all heating, plumbing and electrical systems be replaced with systems meeting current standards for new construction.
- D. “Eligible property”** means land and the improvements thereon that meet all of the criteria in either of the following two categories:
- 1. Rehabilitated Residential Property:**
 - a.** It is either a single or multi-family residential unit or, if it is not a residential structure, it will be converted to residential units through rehabilitation improvements and a change of occupancy permit;
 - b.** The following expenditures have been made:
 - (1)** On property that is 25 years of age or more on January 1, 1986, sums were expended after September 13, 1975 and prior to January 1, 2008 for the purpose of making rehabilitation improvements and which sums in the aggregate equal or exceed five percent (5%) of the assessed value of the land and improvements as reflected in the last equalized assessment roll preceding the application date; or
 - (2)** On property, regardless of age, sums have been expended after January 1, 1990 for making rehabilitation improvements and which sums in the aggregate equal or exceed fifty percent (50%) of the cash value of the land and improvements as reflected in the last equalized assessment roll preceding the application date;
 - c.** The property provides not less than 50 percent of their accommodations for residential and not transient occupancy;
 - d.** The improvements fail to be in substantial compliance at the time the application is filed; and
 - e.** If owner occupied, the structure is located in a homebuyer opportunity area.
 - 2. Newly Constructed Single-Unit Housing:**
 - a.** The structure has one or more dwelling units and was newly constructed on or after January 1, 1990 and prior to July 1, 2015;

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- b.** The structure is located in a homebuyer opportunity area;
 - c.** Each dwelling unit within the structure is designed to be purchased by and lived in by one household;
 - d.** Each dwelling unit falls within the price limit as provided by Section 3.102.090 D.; and
 - e.** It is not a floating home, as defined in ORS 830.700, or a manufactured structure, as defined in ORS 801.333, other than a manufactured home described under ORS 197.307(5)(a) to (f).
- E.** **“Owner’s equity,”** as used in Subsection 3.102.060 D., means the greater of either:
 - 1.** Equity invested in the subject property including the owner’s original cash equity at the time of acquisition and development plus additional cash outlays to the project to cover capital improvements and fund operating deficits. Routine maintenance and repair expenses which are funded from operating reserves as well as depreciation shall not be counted towards owner’s cash investment; or
 - 2.** Current appraised value less current indebtedness of the property. The Portland Development Commission shall determine owner’s equity based on information provided by the applicant.
- F.** **“Reasonable return,”** as used in Subsection 3.102.060 D., means a ten percent return on equity.

3.102.020 Application for Limited Assessment.

(Amended by Ordinance Nos. 164769, 170667, 176786 and 179685, effective November 18, 2005.)

- A.** Any owner desiring to apply for an exemption under the terms of this Chapter shall submit an application to the Portland Development Commission no later than the December 31st preceding the tax year in which the exemption first applies.
- B.** Each applicant shall pay a non-refundable fee as provided below:
 - 1.** Single and two-family dwellings (occupancy classification R3), \$300;
 - 2.** Multi-unit dwellings (occupancy classification RI); \$300 plus \$5.00 for each dwelling unit in excess of two;

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3. Plus a sum equal to the estimated appraisal costs to be incurred by the Assessors Office to the Portland Development Commission concurrent with the submission of the application, the applicant also being liable for all additional costs incurred by the City or County due to the processing of the application for exemption.
- C. The application will include provisions so that the applicant can acknowledge:
1. That the applicant is aware of all requirements for limited assessment imposed by this Chapter;
 2. That the applicant's property qualifies or, upon completion of the rehabilitation improvements or new construction, will qualify for limited assessment;
 3. That the applicant agrees, if the structure is not newly constructed single-unit housing and is not intended to be owner-occupied, to negotiate through the Portland Development Commission rental rates to be charged for the rehabilitated rental units during the period of limited assessment;
 4. That the applicant certifies, if the structure is newly constructed single-unit housing, that the household purchasing the unit has an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development as adjusted upward for a household of more than four persons. For the purposes of this program, household income shall be the annual gross income of the borrower or the deedholder who will occupy the eligible property;
 5. That the unit, once sold, will remain owner-occupied as the principal residence of the household receiving the property tax exemption during the ten year period of the limited assessment. Hardship exception to the owner-occupancy requirement may be granted. Such hardship exceptions may include, but are not limited to, the following circumstances: active military duty outside of the area, temporary relocation to care for an ill or dying family member, or sudden relocation caused by an employer;
 6. That subsequent buyers of the structure during the ten year period of the limited assessment will have an annual gross household income not greater than one hundred percent of the area median income for a family of four for the Portland Metropolitan Area as adjusted upward for a household of more than four persons; and

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7. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the assessment provided by this Chapter.
- D. The applicant shall agree to permit the Portland Development Commission to have executed and recorded in the county real estate records a Subsequent Home-Buyer Notice stating that the property is subject to a limited tax assessment and that any subsequent purchaser is bound by the requirements of this Chapter.
- E. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter. The application shall be assigned an application number.
- F. If any of the application criteria noted in this Section are violated, the Portland Development Commission shall terminate the limited assessment according to the provisions of Section 3.102.080 Termination.
- G. An application for exemption that seeks a tax year beginning or before July 1, 2005, as the first year of the exemption may be approved or denied by the Portland Development Commission within 30 days following November 4, 2005. If an application is approved under this Section, the first tax year of the exemption shall be the tax year beginning July 1, 2005.

3.102.030 Review of Application.

(Amended by Ordinance Nos. 170667, 171887, 176786 and 179685, effective November 18, 2005.)

- A. Within 90 days after receipt of a completed application and payment of all appropriate fees, the Portland Development Commission shall approve application if it finds that the property is an eligible property according to the provisions of Section 3.102.010 D. and the application meets all the requirements of this Chapter. Written notice of approval shall be sent to the applicant at his or her last known address within 10 days of approval. In the case of a residential structure to be rehabilitated, the written notice shall verify the structure's noncompliance and specify what rehabilitation improvements must be completed in order that the property be in substantial compliance.
- B. For newly constructed single-unit housing or owner-occupied single unit housing to be rehabilitated, the Portland Development Commission shall determine whether the property location is within a homebuyer opportunity area at the time of application. The Portland Development Commission may approve an application for limited property tax exemption for an eligible structure constructed

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prior to July 1, 2015 or rehabilitated prior to July 1, 2008 within a homebuyer opportunity area. Construction or rehabilitation must begin while the area is designated as a homebuyer opportunity area in order to qualify.

1. The Portland Development Commission shall also determine that the new single-unit housing will have a market value, including the cost of the land, of no more than 120 percent of the median sales price of single family homes located within the city. Such price shall be determined by the Bureau of Planning as provided by Section 3.102.090 D.
 2. The issuance of building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the public benefits and design standards as described in ORS 458.010 (4)(b)(c). All other required city reviews that are applicable shall not be waived as part of an application for property tax exemption.
 3. The approval shall be in the form of a resolution that shall contain the owner's name and address, a description of the property or the assessor's property account number and the specific conditions upon which the approval of the application is based. The resolution shall direct the County Assessor to exempt the structure from ad valorem taxes as provided in Section 3.102.060 C., pending approval of the certificate of qualification by the Portland Development Commission as provided in Section 3.102.050. A single resolution listing all approved properties and submitted annually for Council consideration before each upcoming tax year shall be sufficient to meet this requirement.
- C. If the application is denied, the Portland Development Commission shall state in writing the reasons for denial, and send it to the applicant within 10 days of denial. An applicant may appeal the denial to the City Council within 30 days after receipt of notice of denial.

3.102.040 Affordability Agreement.

(Amended by Ordinance No. 171977, effective February 4, 1998.)

- A. Before approval of an application for nonowner-occupied rehabilitated structures, an applicant shall execute an Affordability Agreement with the Portland Development Commission, designating the number of units, their bedroom size and rents to remain affordable during the term of the limited assessment. Designated units shall be occupied by and rented at rates affordable to tenants with household income of 60% of median family income or less. At least 20% of the units in a project containing five or more units, 100% of the units in case of a single family house, 50% of the units in a duplex, 30% of the units in a triplex, and 25% of the units in a fourplex shall be affordable. The applicable median

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incomes and monthly rental rates are determined annually by the Portland Development Commission based on data annually reported by the U.S. Department of Housing and Urban Development.

- B.** The Affordability Agreement shall require the applicant to report annually to the Portland Development Commission the property's occupancy information, rental rates, and related property information which is deemed necessary to monitor compliance during the period of limited property tax assessment. Annual reports are to be filed with the Portland Development Commission no later than 60 days following the end of the fiscal year used by the owner for the purpose of reporting federal income tax.
- C.** At the Portland Development Commission's option, the Affordability Agreement may be recorded or secured by a covenant against the property receiving limited property tax assessment. The benefit of this limited property tax assessment may be transferred to a new property owner for the remaining term of the limited assessment provided the new owner executes a new Affordability Agreement with the Portland Development Commission.
- D.** Should the applicant receive other City of Portland funds or benefits requiring a similar Affordability agreement, the more restrictive agreement shall be used to determine compliance with this ordinance.

3.102.050 Certificate of Qualification.

(Amended by Ordinance Nos. 164769, 170667, 171977, 176786 and 179685, effective November 18, 2005.)

- A.** Upon completion of the rehabilitation improvement or the new construction, the applicant shall file with the Portland Development Commission an application for a certificate of qualification and, in the case of a rehabilitated structure intended to be nonowner-occupied, a copy of the Affordability Agreement required by 3.102.040.
- B.** Within 30 days of receipt of the application, the Portland Development Commission shall determine whether the property qualifies for limited assessment under this Chapter. Approval shall be given if one of the following two alternatives is satisfied:
 - 1.** The residential rehabilitation improvements were completed within two (2) years from the date of application for limited assessment, the applicant has paid all the appropriate fees, and filed, if required, the appropriate Affordability Agreement; or

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2. The newly constructed single-unit housing was completed within two (2) years from the date of application for limited assessment, construction began while the area was designated a homebuyer opportunity area, the applicant has paid all appropriate fees, and the new construction complies with the code of the City of Portland.
- C. A copy of the certificate of qualification shall be sent to the applicant, and filed by the Portland Development Commission with the Assessor within 20 days. In addition, copies of the application for limited assessment; the notice of approval; the Affordability Agreement (if appropriate); the Resolution of approval (if appropriate); and the application for a certificate of qualification shall also be filed with the Assessor and shall be numbered with the applicant's application number, and shall be delivered in a single transmittal.
- D. If it is determined that the rehabilitation or new construction was not completed within two (2) years of application date or the property is otherwise not qualified for the limited assessment provided for under the terms of this Chapter, the Portland Development Commission shall so state in writing, and send this determination to the applicant within 40 days of the receipt of the application for a certificate of qualification. An applicant may appeal the denial to the City Council within 30 days of the mailing of the notice required by this Subsection.

3.102.060 Assessment.

(Amended by Ordinance Nos. 164769, 170667, 176786, and 179685 effective November 18, 2005.)

- A. As provided by ORS 308.459, an eligible rehabilitated residential property shall be assessed at no more than its assessed value as it appears in the last equalized assessment roll next preceding the date on which the application for limited assessment is filed with the Portland Development Commission as provided for in 3.102.020. If the certificate of qualification is filed with the Assessor after December 31 but prior to April 1, the limited assessment shall apply with respect to the first assessment roll equalized after that date; or if the certificate of qualification is filed after April 1 but prior to January 1, the limited assessment shall apply as of the following January 1, and shall continue to apply thereafter for a total of 10 consecutive assessment rolls.
- B. As provided by ORS 308.456 (4), the limited assessment provided by this Chapter does not apply to increases in assessed valuation made by the assessor or by lawful order of a County Board of Equalization, the Department of Revenue or a court, to a class of property throughout the county or any specific area of the county to achieve the uniformity of assessment or appraisal required by ORS 308.232.

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- C.** As provided by ORS 458.020, eligible newly constructed single-unit housing shall be exempt from ad valorem taxation for no more than 10 successive tax years beginning July 1 of the first tax year following approval of the application under Section 3.102.020 of this Chapter. The exemption provided by this Chapter shall be in addition to any other exemption provided by laws for the property. However, the amount of assessed value exempted under this Chapter may not exceed the real market value of the structure determined as of the date that the property is inspected for purposes of making a determination under this Chapter.
- D.** If all residential units in a multiple-unit housing project are subject to a low income rental assistance contract with an agency of the state or federal government, an exemption provided under the terms of this Chapter may be extended beyond the 10 year limitation set in Subsection A above to December 31 of the assessment year during which the termination date of the contract falls. The Portland Development Commission staff shall review all applications for extension. Approval by the Portland Development Commission staff shall be based on findings that:
- 1.** The applicant has made reasonable efforts to obtain approval from the appropriate government agency for an increase in the allowable contract rent. Evidence of reasonable efforts shall include documentation showing contact with appropriate agencies and attempts to obtain written responses from the agency indicating their decision regarding modification of the rental contract.
 - 2.** The loss of the exemption will cause an increase in operating expenses to the extent that operating income for the property will be insufficient to cover operating expenses plus a reasonable return on the owner's equity in the projects. The evaluation of these criteria will be based upon projected average annual income and expense requirements over the extension period; and
 - 3.** The tax exemption is necessary in order to prevent displacement of low- and moderate-income tenants or of a low and moderate-income housing resource.
- E.** The Portland Development Commission staff, as part of the approval process under Section 3.102.060 D., may require an independent financial audit of the previous ten year tax abatement period as well as forecasts for the requested extension period. If the annual financial statements submitted by the applicant are found to be incomplete and inaccurate, the applicant will be responsible for audit fees. A denial of an extension requested under 3.102.060 D. may be appealed to the City Council. The appeal shall be filed within 30 days of the date of the mailing of the notice denying the extension.

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- F.** In order to maintain an exemption granted under Section 3.102.060 D the applicant, a least every three years, shall make reasonable efforts as defined in Section 3.102.060 D.1. to obtain increases in the allowable contract rents and submit documentation of such evidence to the Portland Development Commission staff.
- G.** The Portland Development Commission staff shall review the applicant's compliance with the conditions set forth in Section 3.102.060 D. every five years. If the average annual rate of return to the period exceeds a reasonable rate of return as defined in Section 3.102.010 F., the exemption shall terminate. An applicant may appeal a termination to the City Council within 30 days of the date of the mailing of the notice to terminate.

3.102.070 Annual Statements..

(Amended by Ordinance No. 171977, effective February 4, 1998.)

- A.** Within 60 days following the end of the fiscal year as used by the owner for purpose of reporting federal income tax and during the period that the certificate is in effect, the owner of the rehabilitated property that is nonowner-occupied shall file with the Portland Development Commission the following:
 - 1.** A statement of occupancy and vacancy of the rehabilitated property during the prior 12 month period; and
 - 2.** A statement of all rental rates, increases thereto and operating costs, during the prior 12 month period; and
 - 3.** An attestation by the owner that the rehabilitated property has been held continuously for the production of rental income since the date of the certificate of qualification.
 - 4.** A Rental/Occupancy Report listing each unit and the rental rate charged and identifying each affordable unit type based on the number of bedrooms and/or floor area, the rent charged, the occupant's household size, the occupant's household annual income, and whether utilities are include as part of the rental charge.
 - 5.** Any other information deemed necessary in determining compliance with the Affordability provisions of this ordinance.
- B.** Within 30 days of receiving the owner's Rental/Occupancy Report, the Portland Development Commission shall advise the Assessor of whether to continue or terminate assessment limitation.

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- C. Should the property be regulated by another agreement regarding affordability and/or operating performance as conditioned by other public funds, the more restrictive agreement shall be used to determine compliance with the ordinance.

3.102.080 Termination.

(Amended by Ordinance Nos. 170667, 171887, 171977, 171999, 176786 and 179685, effective November 18, 2005.)

- A. If subsequent to the issuance of a certificate of qualification, it is determined by the Portland Development Commission that the new construction was not completed on or before July 1, 2015, or the rehabilitation improvements were not completed on or before January 1, 2008, or that any other provision of this Chapter is not being complied with, the Portland Development Commission shall give notice in writing to the owner, mailed to the owner's last known address, of the proposed termination of the limited assessment. The written notice shall state the reasons for the proposed termination and shall provide a statement of the owner's right to appear before the Portland Development Commission to show cause, if any, why the exemption should not be terminated. The notice shall provide instructions describing how the owner may request a show-cause hearing before the Portland Development Commission. Upon request by the owner, the Portland Development Commission shall schedule a hearing for a date not less than 20 days from the date of the request.
- B. If the owner chooses not to appear, or if they appear and fail to show cause why the limited assessment should not be terminated, the City shall adopt an ordinance or resolution stating its findings and terminating the limited assessment. The Portland Development Commission shall file a copy of the ordinance or resolution with the County Assessor and shall send a copy to the owner at the owner's last known address within 10 days of the Council's action.
- C. If, after application has been approved, the City or County Assessor discovers that the single-unit housing or a portion of the single-unit housing is changed to a use that is other than single-unit housing:
 - 1. The limited assessment granted the single-unit housing or portion under ORS 458.005 and 458.015 to 458.065 shall terminate immediately, without right of notice or appeal;
 - 2. The property or portion shall be assessed and taxed as other property similarly situated is assessed and taxed; and

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- 3.** Notwithstanding ORS 311.235, there shall be added to the general property tax roll for the tax year next following the discovery, to be collected and distributed in the same manner as other real property tax, an amount equal to the difference between the amount of tax due on the property and the amount of the tax that would have been due on the property had it not been exempt under ORS 458.005 and 458.015 to 458.065 for each of the years, not to exceed the last 10 years, during which the property was exempt from taxation under ORS 458.005 and 458.015 to 458.065.

 - a.** If, at the time of discovery, the property is no longer exempt, additional taxes shall be imposed as provided in this section, but the number of years that would otherwise be used to compute the additional taxes shall be reduced by one year for each year that has elapsed since the year the property was last granted exemption.
 - b.** The assessment and tax rolls shall show potential additional tax liability for each property granted a limited assessment under ORS 458.005 and 458.015 to 458.065.
 - c.** Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate.
- D.** If the City finds that the new construction was not completed on or before July 1, 2015 or the rehabilitation improvements were not completed by July 1, 2008, due to circumstances beyond the control of the owner, and that the owner had been acting and could reasonably be expected to act in good faith and with, due diligence, the City may extend the deadline for completion for a period not to exceed an additional 12 consecutive months.
- E.** The decision of the Council may be appealed as provided by ORS 34.010 to 34.100.
- F.** As provided by Subsection (4) of ORS 308.477, if no appeal is taken as provided in Subsection D. of this Section, or upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.207 to 311.213, to provide for the assessment and taxation of any value not included in the valuation of the new construction or there habilitation improvements during the period of limited assessment prior to termination by the Council or by a court, in accordance with the findings of the Council or the court as to the assessment year in which the limited assessment is to terminate. The Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.207 to 311.213. Where there

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has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning January 1 of the assessment year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the month next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.102.090 Designation of Homebuyer Opportunity Areas.

(Amended by Ordinance Nos. 170667, 176786 and 179685, effective November 18, 2005.)

- A.** The Bureau of Planning shall be the agency responsible for designating homebuyer opportunity areas. The Portland Development Commission and the Bureau of Housing and Community Development shall be consulted in the designation process. The designation of such areas shall occur in the form of a public hearing conducted before the City Planning Commission through a legislative process appealable to City Council. If there is no appeal within 30 days of the decision by the Planning Commission, the decision shall be final. The Bureau of Planning shall make available maps indicating current homebuyer opportunity areas. The designation of the first homebuyer opportunity areas shall be conducted as nearly as possible in conjunction with the adoption of this ordinance implementing tax exemption in such designated areas. From the date of the first designation, a review of the areas for possible amendment of the boundaries of the homebuyer opportunity areas shall occur at least every three years.
- B.** The criteria for designating homebuyer opportunity areas shall include a consideration of the following factors:

 - 1.** The area is primarily a residential area of the city which is detrimental to the safety, health and welfare of the community by reason of deterioration, inadequate or improper facilities; the existence of unsafe or abandoned structures, including but not limited to a significant number of vacant or abandoned single or multi-family residential units; or any combination of these or similar factors; and,
 - 2.** The incentive of limited property tax exemption in a homebuyer opportunity area will help to carry out adopted policies, or area-wide or district plans of the city related to housing or neighborhood revitalization.

- C. At no time shall the cumulative land area within the boundaries of homebuyer opportunity areas exceed 20 percent of the total land area of the city.

- D. The Bureau of Planning shall also establish the price limit of newly constructed single-unit housing eligible for the limited property tax exemption as provided by this Chapter. The price limit shall not exceed 120 percent of the median sales price of single-family homes located within the city. The median sales price shall be determined, with assistance by the County Assessor, using the sales data collected under ORS 309.200 for the period ending the prior November 30 relative to single-family homes. In addition, the Bureau of Planning may use data made available by the real estate and construction or other appropriate industry. The median sales price shall be established by resolution prior to January 1 of each year during the effective time of this program.

3.102.100 Sunset of the Exemption for Owner-Occupied Rehabilitation and New Single-Unit Residences in Distressed Areas.

(Repealed by Ordinance No. 170667, effective Oct. 23, 1996.)

Chapter 3.103

**PROPERTY TAX EXEMPTION FOR
NEW TRANSIT SUPPORTIVE
RESIDENTIAL OR MIXED USE
DEVELOPMENT**

(New Section added by
Ordinance No. 170667,
effective Oct. 23, 1996)

Sections:

- 3.103.005 Purpose.
- 3.103.010 Definitions.
- 3.103.020 Eligible Projects and Sites.
- 3.103.025 Pre-application Procedure.
- 3.103.030 Application Procedure.
- 3.103.040 Public Benefits.
- 3.103.045 Approval Criteria.
- 3.103.050 Review of Application.
- 3.103.060 Exemption.
- 3.103.070 Termination.

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- 3.103.080 Extension of Deadline.
- 3.103.090 Implementation.

3.103.005 Purpose.

The purposes of this property tax exemption are to encourage the development of high density housing and mixed use projects affordable to a broad range of the general public on vacant or underutilized sites within walking distance of light rail or fixed route transit service, and to enhance the effectiveness of the light rail or fixed route transit system.

3.103.010 Definitions.

As used in this Chapter:

- A. “Full funding agreement”** means an agreement executed by the Federal Transit Administration or other U.S. governmental agency which contains the terms and conditions applicable to the approval of a light rail project and the grant of federal funds for that project, which includes construction of planned stations and other light rail facilities.
- B. “Light rail station area”** means an area defined, for the purposes of this Chapter, to be within a one-quarter mile radius of an existing or planned light rail station. A planned light rail station shall be defined as one that has achieved a full funding agreement.
- C. “Multiple-unit housing”** means newly constructed structures, stories or other additions to existing structures, and structures converted in whole or in part from other uses to dwelling units that meet the following criteria:
 - 1.** The structures must have eight or more dwelling units.
 - 2.** The structures must not be designed or used as transient accommodation, including but not limited to hotels and motels.
 - 3.** The structures must contain design elements benefiting the general public as specified in Section 3.103.040.
 - 4.** The structures must:
 - a.** Enhance the effectiveness of the light rail or fixed route transit system by providing pedestrian connection to a light rail line or mass transportation system; and

- b. Contain housing units with rental rates or purchase prices which are accessible to a broad income range of the general public; and/or
 - c. Provide alternative public benefits and design features which further the purposes of this Chapter as demonstrated by compliance with the provisions of Section 3.103.040.
- D. **“Pedestrian connection”** means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connection may also include rights-of-way or easements for future pedestrian improvements.
- E. **“Transit oriented area”** means an area defined in a local transportation, community, neighborhood or other local or regional plan to be within one-quarter mile of a fixed route transit service including bus lines.

3.103.020 Eligible Projects and Sites.

(Amended by Ordinance Nos. 174326, 177921, 178286 and 179844, effective December 21, 2005.)

- A. The property tax exemption permitted by this Chapter is intended to benefit projects that emphasize:
 - 1. The development of vacant or underutilized sites rather than sites where sound or rehabilitable multiple-unit housing exists;
 - 2. The development of multiple-unit housing, with or without parking, in structures that may include ground-level commercial space;
 - 3. The development of multiple-unit housing, with or without parking, on sites with existing single-story commercial structures;
 - 4. The development of multiple-unit housing, with or without parking, on existing surface parking lots; and
 - 5. The development of units at rental rates or purchase prices which are accessible to a broad income range of the general public.

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- B.** Eligible projects shall be constructed or converted after the date of adoption of this program, and completed on or before January 1, 2012.
- C.** For the purposes of this Chapter, eligible sites must be located within the following areas:
- 1.** Light rail station areas within a one-quarter mile radius of an existing light rail station or a light rail station under construction on or before January 1, 1999, except that the site must be located outside the boundaries of the Central City Plan District as shown on Map 510-1 of Chapter 33.510 of the Portland Zoning Code. The distance from an eligible light rail station shall be measured from the center line of the right-of-way on which the station is located or from the center point of the intersection of one or more rights-of-way, as appropriate. Maps showing these areas are found at the end of this Chapter as Maps 3.103-1 through 3.103-5. If a portion of the project site falls within the one-quarter mile distance, the entire site shall qualify as a property eligible to apply for this exemption; and
 - 2.** Transit oriented areas within the Gateway Plan District as included on Map 526-1 of Chapter 526 of Title 33, Planning and Zoning, and shown at the end of this Chapter as Maps 3.103-5 (1 of 2 and 2 of 2); and
 - 3.** Transit oriented areas within the Lents Town Center as delineated on Map 11 of the adopted Outer Southeast Community Plan and shown at the end of this Chapter as Maps 3.103-6 (1 of 4 through 4 of 4).
 - 4.** Transit oriented areas within the Hollywood Plan District as delineated in Chapter 33, Map 536-1 and in the *Hollywood and Sandy Plan*, Map 536-1, and shown at the end of this Chapter as Map 3.103-2.
 - 5.** Transit oriented areas within a portion of the Northwest Plan District as shown at the end of this Chapter on Map 3.103-7.
- D.** In addition to the eligible areas noted above, the following criteria apply to individual projects:
- 1.** Projects located on sites zoned R5, R7, R10, R20, or RF Single Dwelling Zones, as defined by Title 33, Planning and Zoning, are not eligible for the property tax exemption permitted by this Chapter.
 - 2.** Multiple-unit projects which do not include ground floor commercial space must contain at least 35 housing units per net acre of site area to be eligible for the property tax exemption permitted by this Chapter.

3. Mixed use projects containing ground floor commercial space must incorporate at least two times the amount of residential floor area to non-residential floor area and contain at least 20 housing units per net acre of site area.
 4. For the purposes of this Chapter, a rowhouse or townhouse development containing for sale or rental units is eligible so long as all other eligibility criteria of this Chapter are met.
- E.** All eligible projects shall demonstrate that property tax exemption is necessary to achieve economic feasibility for the residential use, taking into account the additional costs incurred by the design features, public benefits, or minimum densities required in return for the incentives allowed by this Chapter.
- F.** The City shall periodically review the areas eligible for the exemption granted to transit supportive development in response to transportation and/or community planning and policy initiatives which indicate the need to encourage desired development in other light rail station areas or transit oriented areas as defined in this Chapter. The basis for considering the inclusion of new light rail station areas shall be the establishment of a full funding agreement.

3.103.025 Pre-application Procedure.

- A.** A pre-application meeting will be required with the Portland Development Commission staff prior to submitting a complete application. On forms provided by staff, the prospective applicant shall include the following:
1. A schematic drawing, showing the site plan, including major features and dimensions of the proposed development;
 2. A statement describing the location of the proposed development; the number, size, and type of individual dwelling units; a preliminary pro forma showing expected rents or purchase prices of the dwelling units; the dimensions of the multiple-unit structure(s); the approximate amount of floor area dedicated to the types of uses envisioned; public and private access; parking and circulation plans; a description of the public benefits proposed; and any additional information that would demonstrate the eligibility of the project for the property tax exemption, including its physical and functional connection to the nearest transit service. However, certain items of information may be waived for projects under design or if applicants request guidance in order to submit material sufficient for a complete application.

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- B.** Prior to the meeting, the staff shall review the information supplied and contact, for purposes of facilitating the application process, those bureaus, bodies, or other governmental agencies which may be affected by, or have an interest in, the proposed development.
- C.** The applicant shall meet with staff and discuss the proposed development. Thereafter, the Development Commission staff shall provide the applicant with a summary of the meeting, including recommendations designed to assist the applicant in the preparation of the exemption application. Staff guidance shall be provided indicating the minimum requirements for meeting the provisions of Section 3.103.040 of this Chapter.

3.103.030 Application Procedure.

- A.** A person seeking an exemption under the terms of this Chapter shall apply to the Portland Development Commission not later than September 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. The application for the exemption shall be on forms prescribed by the Commission staff and include the following information:

 - 1.** The applicant's name, address, and telephone number;
 - 2.** A legal description of the property and property account number;
 - 3.** A detailed description of the project, including the number, size, and type of dwelling units; dimensions of the multiple-unit structure(s), parcel size, proposed lot coverage of building, and amount of open space; type of construction; expected rents or purchase prices of the dwelling units; public and private access; parking and circulation plan; number of residential and commercial off-street parking spaces; the source of water and proposed method of sewage disposal; other utilities requirements; landscaping; proposed amount of floor area dedicated to residential and nonresidential uses; a description of the public benefit(s) prescribed in 3.103.040 included in the project; and economic feasibility studies or market analysis, when appropriate. In addition, the application shall contain a detailed construction and operating cost analysis to demonstrate the applicant's economic need for the tax exemption. Evidence of cost comparisons may be required when appropriate;
 - 4.** A description of the existing use of the property, including if appropriate a justification for the elimination of existing sound and rehabilitable housing;

5. A site plan and supporting maps, drawn to a minimum scale of one inch equal to 16 feet, or a scale suitable for reproduction on 8-1/2" by 11" paper, showing the development plan of the entire project including streets, driveways, sidewalks, pedestrian ways, off street parking, loading areas, location, design, and dimension of structures, use of land and structure(s), major landscaping features, existing and proposed utility systems, including sanitary and storm sewers, water, electric, gas and telephone lines; and
 6. Such other information required by state or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter, including a demonstration of the project's physical and functional connection to the nearest transit service.
- B.** Concurrent with the submission of the application, an application fee as established by the Portland Development Commission shall be required.

3.103.040 Public Benefits.

- A.** Purpose. The purpose of this Section is to achieve the type of higher density, transit oriented development desired by the adoption of this Chapter in addition to furthering other public policy goals of the City and the County. Therefore, a number of options are presented to the applicant in order to achieve one or more public benefits.
- B.** Except for the provisions of Section 3.103.040 D below, all rental projects containing more than 15 units applying for the exemption under the terms of this Chapter must include within the project and for the term of the exemption at least 20 percent of the units for rent at rates which are affordable to households earning 60 percent or less of the area median income.
1. For the units affordable to households earning 60 percent or less of the area median income under the terms of this Chapter, the units must be rented to households whose incomes do not exceed 60 percent of the area median income upon initial occupancy of the unit by that household. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 60 percent of the area median income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this Section.

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2. Measurement of household income shall be determined using the U.S. Department of Housing and Urban Development's, or its successor agency's, annual household income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one-bedroom apartment), three persons (for a two-bedroom apartment), or four persons (for a three-bedroom apartment). Affordability shall be defined as a rental rate which does not exceed 30 percent of the monthly gross income for a family earning 60 percent or less of the area median income.
- C. All projects containing housing units available for individual purchase shall receive the property tax exemption only for those for-sale units which are available at an initial purchase price which does not exceed 95 percent of the median purchase price for a condominium unit in Multnomah County as established by the U.S. Department of Housing and Urban Development for the purpose of determining FHA loan qualification. The unit must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
1. In order to qualify for this exemption, such units must be owner-occupied during the term of the exemption. Should any unit become available for sale during the term of the exemption, it must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- D. As an alternative to the provisions of Section 3.103.040 B above, the project may instead provide one or more of the following public benefits, except that projects containing 15 or fewer units are exempt from the provisions of Section 3.103.040 B, above, and need include only one of the following public benefits:
1. At least 10 percent of the rental units must be affordable to households earning 30 percent or less of the area median income according to the equivalent formulas for determining affordable rent and household size as described in Sections 3.103.040 B. 1 and 2 above; or
 2. At least 20 percent of the rental units must be dedicated during the term of the exemption by covenant to households which include persons with special needs, such as the mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988; or

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3. At least 20 percent of the rental units must include three or more bedrooms; or
 4. The project must provide child care on-site or support child care through a service provider with a facility located within 1200 feet of a light rail station or within 400 feet of a transit stop at 25 percent of the annual value of the property tax exemption for each year of the term of the exemption, such in-lieu support being dedicated to project residents or other households earning 60 percent or less of the area median income; or
 5. The project must provide a residential unit per acre density equivalent to at least 80 percent of the applicable maximum density as allowed by the base zone as established by Title 33, Portland Zoning Code, except that this alternative shall not be available to projects on sites with R1 zoning. For sites with RH, IR, CN, CO, CM, CS, or CG zoning, this requires at least 68 units per net acre. For sites with RX, CX, EX, or other zoning, this requires at least 139 units per net acre.
- E.** In addition to the applicable provisions of Sections 3.103.040 A through D above, the project must include at least one of the following:
1. Ground floor service or commercial use which is permitted and serves project residents, neighboring residents, and transit riders; or
 2. Office space or meeting room for community organizations; or
 3. Publicly accessible open space such as a landscaped plaza; or
 4. Family oriented recreational facilities for the children of project residents; or
 5. Transit amenities and transit or pedestrian design elements such as benches, bus shelters, directional signs, or an off-site pedestrian connection from the project to the nearest transit service.
- F.** Staff from the Portland Development Commission shall confer, at a minimum, with the staffs of the Planning Bureau and the Office of Transportation for advice and confirmation regarding compliance with the relevant public benefits, plan policies, and transit oriented design features applicable to the project. Other bureaus or agencies indicating interest shall also be invited to comment. Written comments received from staff shall be entered into the record of the adopting report and recommendation presented before the City Council.

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- G.** The City Council shall specify the public benefits and transit oriented design features which are to be included in the proposed project. If the applicant fails to agree to include the public benefits as specified by the Council, the application shall be denied.

3.103.045 Approval Criteria.

An application may be recommended for approval if the Portland Development Commission staff establishes conditions which ensure that:

- A.** The project contains one or more of the public benefits described in Section 3.103.040;
- B.** The project containing these public benefits, affordable units, and/or transit oriented design features would not otherwise be financially feasible without the benefit provided by the property tax exemption;
- C.** The construction project will, at the time of completion, conform with the applicable provisions of Titles 17, 24, 32, 33, 34; and
- D.** The applicant has complied with Sections 3.103.010, 3.103.020, 3.103.030, and 3.103.040.

3.103.050 Review of Application.

- A.** Within 80 days of receipt of a complete application, the staff of the Portland Development Commission shall recommend to the Portland City Council that the application be denied or approved subject to conditions. Portland Development Commission staff may require modifications to the project design in order to further the public goals of this Chapter.
- B.** If the recommendation is for approval, the report and recommendation shall contain a resolution stating the terms and conditions of approval, which shall be made available to the applicant, the City Council, and any interested agencies or individuals at least 14 days prior to consideration of the recommendation at a hearing conducted before the City Council.
- C.** The City Council shall review the application and deny or approve it subject to conditions. Final action upon the application shall be in the form of a resolution that shall include: the owner's name and address; a description of the multiple-unit housing; the legal description of the property and the Assessor's property account number; and all conditions imposed and upon which approval of the application is based. An application not acted upon within 180 days from the date of application shall be deemed approved.

- D.** If the application is denied, a notice of denial shall be sent to the applicant within 10 days following the denial. The notice shall state the reasons for denial.
- E.** If the application is approved, the Portland Development Commission staff shall file with the Assessor a copy of the resolution approving the application.

3.103.060 Exemption.

- A.** Except as provided for under subsection B., multiple-unit housing for which an exemption has been approved under the terms of this Chapter shall be exempt from ad valorem taxation for up to 10 successive years beginning July 1 of the year immediately following the calendar year in which construction is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption. The exemption shall not include the land upon which the project is located, nor any improvement not part of the multiple-unit housing except for those improvements deemed a public benefit as specified in 3.103.040. The exemption provided in this section shall be in addition to any other exemption provided by law.
- B.** In the case of a structure converted in whole or in part from other uses to multiple family, only the increase in value attributed to the conversion shall be eligible for the exemption.
- C.** In either case, the value of the exemption shall not exceed 100 percent of its real market value.

3.103.070 Termination.

(Amended by Ordinance Nos. 178286 and 179844, effective December 21, 2005.) If, after an application has been approved under this Chapter, the City finds that the work was not completed on or before January 1, 2012; that any provision of this Chapter has not been complied with; or that any agreement by the owner or requirement imposed is not being satisfied; the Portland Development Commission staff shall send a notice of proposed termination of the exemption to the owner's last known address.

- A.** The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the City Council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- B.** If the owner fails to show cause why the exemption should not be terminated, the City Council shall adopt a resolution terminating the exemption. A copy of the resolution shall be filed with the County Assessor and a copy sent to the owner at his last known address within 10 days after its adoption.

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- C. If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.207 to 311.213, to provide for the assessment and taxation of any property for which exemption was terminated by the City or by a court, in accordance with the finding of the City or the court as to the assessment year in which the exemption is first to be terminated. The County Assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.207 to 311.213. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning July 1 of the calendar year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.103.080 Extension of Deadline.

(Amended by Ordinance Nos. 178286 and 179844, effective December 21, 2005.)
Notwithstanding the provision of 3.103.070, if the City finds that construction of the multiple-unit housing was not completed by January 1, 2012, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the City may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

3.103.090 Implementation.

The Portland Development Commission shall establish procedures and prepare forms for implementation, administration, and monitoring for compliance with the provisions of this Chapter.

Chapter 3.104

**PROPERTY TAX EXEMPTION FOR
NEW, MULTIPLE-UNIT
HOUSING**

(Substituted by Ordinance No. 162854,
effective Mar. 22, 1990.)

Sections:

- 3.104.010 Eligible Property.
- 3.104.020 Pre-application Conference.
- 3.104.030 Application Procedure.
- 3.104.040 Public Benefits.
- 3.104.045 Approval Criteria.
- 3.104.050 Review of Application.
- 3.104.055 Rate of Return Analysis
- 3.104.060 Exemption.
- 3.104.070 Termination.
- 3.104.080 Extension of Deadline.
- 3.104.085 Program Review.
- 3.104.090 Implementation.

3.104.010 Eligible Property.

(Amended by Ordinance Nos. 170667, 178286 and 179844, effective December 21, 2005.) To be eligible for the property tax exemption provided for by this Chapter a structure must meet all of the following criteria:

- A.** Be a multiple-unit structure having 10 or more dwelling units, and that include design elements benefiting the public as described in this Chapter and approved by City Council, including new construction and structures converted in whole or part from other uses, but not designed, used or intended to be used as transient accommodations, hotels or motels.
- B.** Be constructed after July 1, 1975, and completed on or before January 1, 2012; and
- C.** Located within either of the following described areas:
 - 1.** The Central City Plan District boundary as shown on Map A. Portland City Code Chapter 33.702; or

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2. Within the boundaries of any urban renewal or redevelopment area formed pursuant to ORS Chapter 457.
- D.** Demonstrate that property tax abatement is required to achieve economic feasibility for the residential use intended.

3.104.020 Pre-application Conference.

- A.** An applicant shall request a pre-application conference with the Bureau of Planning, and at least 14 days prior to the date scheduled for the conference the applicant shall submit, on forms provided by the Bureau, the following:
1. A schematic drawing, showing the site plan, including major features and dimensions of the proposed development;
 2. A statement describing the location of the proposed development; the number, size and type of individual dwelling units; the dimensions of the multiple-unit structure(s), public and private access; parking and circulation plans; the source of water and proposed method of sewage disposal; landscaping; proposed residential and nonresidential uses; and a description of the public benefit prescribed in 3.104.040.
- B.** Prior to the conference, the Bureau shall review the information supplied and contact, for purposes of facilitating the application process, those bureaus, bodies, or other governmental agencies which may be affected by, or have an interest, in the proposed development.
The applicant shall meet with staff and discuss the proposed development. Thereafter, the Bureau shall provide the applicant with a summary of the meeting, including recommendations designed to assist the applicant in the preparation of the exemption application.

3.104.030 Application Procedure.

(Amended by Ordinance Nos. 170667, 171977 and 179487, effective August 10, 2005.)

- A.** A person seeking an exemption under the terms of this Chapter, shall apply to the Bureau of Planning not later than September 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. The application for the exemption shall be on forms prescribed by the Bureau and include the following information:
1. The applicant's name, address and telephone number;
 2. A legal description of the property and property account number;

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- 3.** A detailed description of the project including the number, size and type, of dwelling units; dimensions of the multiple-unit structure(s), parcel size, proposed lot coverage of buildings, and amount of open space; type of construction; public and private access; parking and circulation plans; the source of water and proposed method of sewage disposal; other utilities requirements; landscaping; proposed residential and nonresidential uses; a description of the public benefit(s) prescribed in 3.104.040 included in the project. The applicant shall provide cost comparisons and market studies if requested.

In addition, the application shall contain a detailed construction and development cost analysis, sources and uses of funds analysis, operating income and expense analysis, and projected ten-year operating cash flow analyses for two scenarios: (1) modeling the project's operations with the tax abatement and (2) modeling the project's operations without the tax abatement. Each of these projected ten-year operating cash flow analyses shall include a calculation of the internal rate of return for the project. Internal rate of return is the annual discount rate, expressed as a percent, on a series of annual cash flows at which the net present value of an initial investment is equal to zero. The foregoing economic analyses shall be used to demonstrate the applicant's economic need for the tax exemption. In determining this economic need the Portland Development Commission shall verify the applicant's projected internal rate of return for the project based on invested cash, equity, economic conditions, and other related factors as prescribed in Section 3.104.050 B.
 - 4.** A description of the existing use of the property, including if appropriate a justification for the elimination of existing sound and rehabilitable housing;
 - 5.** A site plan and supporting maps, drawn to a minimum scale of one inch equal to 16 feet, showing the development plan of the entire project including streets, driveways, sidewalks, pedestrian ways, off street parking, loading areas, location, design, and dimension of structures, use of land and structure(s), major landscaping features, existing and proposed utility systems, including sanitary and storm sewers, water, electric, gas and telephone lines; and
 - 6.** Such other information required by state or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter.
- B.** Concurrent with the submission of the application, an application fee as determined by the Bureau of Planning and the Portland Development Commission shall be required. In addition to the application fee, the applicant may be required

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to pay such other reasonable costs, including appraisal costs, incurred by the Assessor in processing the application. The Bureau of Planning shall collect any additional cost and pay the Assessor for the additional costs.

3.104.040 Public Benefits.

(Amended by Ordinance Nos. 178740 and 179487, effective August 10, 2005.)

- A.** Purpose. The purpose of this Section is to achieve the type of higher density, transit oriented development in the Central City and urban renewal areas desired by the adoption of this Chapter in addition to furthering other public policy goals of the City and the County. Therefore, a number of options are presented to the applicant in order to achieve one or more public benefits.

- B.** All rental projects containing more than 15 units applying for the exemption under the terms of this Chapter must include within the project and for a term of up to 15 years, but in no event less than the term of the exemption, at least 15 percent of the units for rent at rates which are affordable to and restricted to households earning 80 percent or less of the area median income. These affordable units shall be subject to an Extended Use Agreement (EUA) requiring that they be rented in accordance with these rent and income restrictions for a period that is 5 years longer than the tax abatement period (for example, a 10-year tax abatement period would result in a 15-year EUA). The EUA will be recorded against the property and will appear as a lien on the property's title. Compliance with the EUA shall be certified by the owner to the Portland Development Commission on a yearly basis. The EUA will be administered as described in Section 3.104.055.
 - 1.** For the units affordable to households earning 80 percent or less of the area median income under the terms of this Chapter, the units must be rented to households whose incomes do not exceed 80 percent of the area median income upon initial occupancy of the unit by that household. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 80 percent of the area median income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this Section.

 - 2.** Measurement of household income shall be determined using the U.S. Department of Housing and Urban Development's, or its successor agency's, annual household income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one-bedroom apartment), three persons (for a two-bedroom apartment), or four

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persons (for a three-bedroom apartment). Affordability shall be defined as a rental rate, which does not exceed 30 percent of the monthly gross income for a family earning 80 percent or less of the area median income.

- C.** All projects containing housing units available for individual purchase shall receive the property tax exemption only for those for-sale units which are available at an initial purchase price which does not exceed 95 percent of the Federal Housing Administration mortgage maximum for a single unit in the Portland Metropolitan area. The unit must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- 1.** In order to qualify for this exemption, such units must be owner-occupied during the term of the exemption. Should any unit become available for sale during the term of the exemption, it must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- D.** In addition to the applicable provisions of Sections 3.104.040 B. and C. above, the project must include at least one of the following:
- 1.** Open spaces available to the general public;
 - 2.** Day care facilities;
 - 3.** Permanent dedications for public use;
 - 4.** LEED Silver certification from the US Green Building Council;
 - 5.** 20 percent of the rental units have 3 or more bedrooms;
 - 6.** A total of 25 percent of the rental units are affordable to households at 80 percent MFI; or
 - 7.** Other public benefits approved by the Planning Commission and the City Council. The City Council shall specify the public benefit which is to be included in the proposed project. If the applicant fails to agree to include the public benefit as specified by the Council, the application shall be denied.

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3.104.045 Approval Criteria.

An application may be approved if the reviewing body finds:

- A. The construction includes one or more design elements specified in Section 3.104.040;
- B. The construction project will at the time of completion, conform with the provision', of Titles 24, 32, 33, 34, and the Comprehensive Plan; and
- C. The applicant has complied with 3.104.010, 3.104.020, 3.104.030, and 3.104.040.

3.104.050 Review of Application.

(Amended by Ordinance Nos. 178740 and 179487, effective August 10, 2005.)

- A. The Bureau of Planning shall send the Portland Development Commission a copy of the application within 10 days of its submission to the Bureau.
- B. The Portland Development Commission shall thereupon review the application for economic feasibility and economic need and make a recommendation within 60 days thereafter recommend to the Planning Commission that the application be approved, denied, or approved subject to conditions. If the anticipated internal rate of return for the project for the period of the exemption exceeds ten percent, the Portland Development Commission shall recommend that the application be denied.
- C. Within 60 days of the recommendation of the Portland Development Commission, the Planning Commission shall review the application to determine whether the proposed development is consistent with the City's Comprehensive Plan. A recommendation shall thereafter be forwarded to the City Council that the application be approved subject to those conditions necessary to achieve the purposes of this Chapter. The Planning Commission shall specify in its recommendation to the Council the scope and nature of public benefit recommended for the proposed project.
- D. The City Council shall review the application within 180 days of the date of application and approve, deny, or approve subject to conditions. Copies of the application shall be supplied the City Council at least 14 days prior to the Council's review. Final action upon the application shall be in the form of an ordinance or resolution that shall include: the owner's name and address; a description of the multiple-unit housing; the legal description of the property and the Assessor's property account number; and all conditions imposed and upon which approval of the application is based.

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- E.** If the application is denied, a notice of denial shall be sent to the applicant within 10 days following the denial. The notice shall state the reasons for denial.
- F.** If the application is approved, the Bureau of Planning shall on or before the ensuing April 1 file with the Assessor a copy of the ordinance or resolution approving the application.
- G.** If the application is approved, the recipient(s) of the tax exemption must agree to a condition of approval to provide financial information to the Portland Development Commission by July 1 in years 5 and 9 of the tax exemption and two years after the tax exemption has expired. The purpose of this requirement is to provide information to the Planning Commission and City Council for their review of the program described in 3.104.085. The Bureau of Planning will notify tax exemption recipients and the Portland Development Commission 60 days in advance of the reporting requirement. Recipients will submit the required information on the Portland Development Commission's Electronic Operating Statement (EOS) or similar form that might replace the EOS. Portland Development Commission staff will review the statement and prepare a report within 60 days that will then be forwarded to the Bureau of Planning. Bureau of Planning staff will periodically convey these reports to the Planning Commission for use in their review described in 3.104.085.

3.104.055 Rate of Return Analysis.

(Added by Ordinance No. 179487, effective August 10, 2005.)

- A.** The owner shall provide financial data on an annual basis to the Portland Development Commission for each tax year that the exemption is in effect. The financial data shall be provided to the Portland Development Commission no later than 120 days from the close of the owner's fiscal year. The financial data shall include, but is not limited to, full project-based financial statements, Internal Revenue Service tax information, a ten-year operating cash flow statement showing actual cash flow for all prior years and the current year and shall include a to-date calculation of the internal rate of return for the project, and any other information deemed necessary by the Portland Development Commission to calculate or otherwise evaluate the owner's internal rate of return for the project.
- B.** For each year of the exemption, the Portland Development Commission shall prepare an annual analysis of the owner's financial data within 90 days of receipt of all required financial data from the owner. The analysis shall include a to-date calculation of the internal rate of return for the project. The Portland Development Commission shall calculate the internal rate of return by the same method utilized in its initial recommendation for the tax abatement.

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- C. The Portland Development Commission shall advise the owner annually in writing as to whether the financial analysis demonstrates that the projected internal rate of return for the project will exceed ten percent for the entire exemption period and could result in an Accrued Payment Liability ("APL") as calculated pursuant to Section 3.104.055 D.
- D. The EUA will be terminated at the end of the tax abatement period, if the internal rate of return for the project is less than or equal to 10 percent. If the 10-year internal rate of return for the project is greater than 10 percent, then:
1. the EUA shall be maintained on a portion or all of the units covered by the EUA as calculated in Section 3.104.055; or
 2. the property owner shall pay an APL that shall be paid as calculated pursuant to this Section.

If as a result of the analysis prepared after the final year of the exemption, the Portland Development Commission has calculated that the internal rate of return during the term of the exemption has exceeded ten percent, the Portland Development Commission shall notify the Bureau of Planning. The Bureau of Planning shall send a notice to the last known address of the owner stating that the owner, at its option, shall either pay the APL to the City in order to have the EUA terminated or, alternatively, be subject to the EUA for the remainder of the EUA as calculated in this Section.

The amount of the APL shall be equal to (1) the net present value, using a 10 percent annual discount rate of the difference between the project's actual annual cash flows over the abatement period and the proforma projected cash flows for the project that would provide a 10 percent internal rate of return for the abatement period or (2) equal to the maximum amount of property taxes that would have been assessed if no exemption had been granted, whichever is less.

If the internal rate of return for the project is calculated to be greater than 10 percent and the project owner elects not to pay the APL, then the EUA will be maintained on the number of units required to reduce net present value, using a 10 percent annual discount rate, of the project's projected market-rate (unrestricted) annual cash flows, during the 5-year EUA period after the end of the tax abatement period, by an amount equal to the APL.

3.104.060 Exemption.

(Amended by Ordinance Nos. 170667 and 179487, effective August 10, 2005.)

- A. Except as provided for under Subsection 3.104.060 B., multiple-unit housing for which an exemption has been approved under the terms of this Chapter shall be exempt from ad valorem taxation for up to 10 successive years beginning July 1 of the year immediately following the calendar year in which construction is

completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption shall not include the land upon which the project is located, nor any improvement(s) not part of the multiple-unit housing except those improvements deemed a public benefit as specified in 3.104.040. The exemption provided in this section shall be in addition to any other exemption provided by law.

- B.** In the case of a structure converted in whole or in part from other uses to multiple family, only the increase in value attributed to the conversion shall be subject to the exemption

3.104.070 Termination.

(Amended by Ordinance Nos. 170667, 178286, 179487 and 179844, effective December 21, 2005.) If, after an application has been approved under this Chapter, the City finds that the work was not completed on or before January 1, 2012; that any provision of this Chapter has not been complied with; including a determination by the Portland Development Commission as provided in Section 3.104.055 that the internal rate of return for the project exceeds ten percent for the exemption period; or that any agreement by the owner or requirement imposed by Council is not being satisfied, the Bureau of Planning may send a notice of proposed termination of the exemption to the owner's last known address.

- A.** The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the City Council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- B.** If the owner fails to show cause why the exemption should not be terminated, the City Council shall adopt an ordinance or resolution terminating the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at his last known address, within 10 days after its adoption.
- C.** If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.205 to 311.235, to provide for the assessment and taxation of any property for which exemption was terminated or modified by the City or by a court, in accordance with the finding of the City or the court as to the assessment year in which the exemption is first to be terminated. The County Assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.207 to 311.213. Where there has been a failure to comply with ORS 307.670,

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the property shall become taxable beginning July 1 of the calendar year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.104.080 Extension of Deadline.

(Amended by Ordinance Nos. 170667, 178286 and 179844, effective December 21, 2005.) Notwithstanding the provision of 3.104.070, if the City finds that construction of the multiple-unit housing was not completed by January 1, 2012, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the City may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

3.104.085 Program Review.

(Added by Ordinance No. 178740, effective October 8, 2004.) The Planning Commission will review the program requirements every five years and make a recommendation to City Council on possible changes to the program. This review will take into consideration the information gathered from tax exemption recipients as required by 3.104.050 G. and any other information the Commission considers relevant.

3.104.090 Implementation.

The Bureau of Planning and the Portland Development Commission shall establish procedures and prepare forms for implementation and administration of this Chapter.

Chapter 3.105

BULL RUN ADVISORY COMMITTEE

(Added by Ordinance No. 143520;
repealed by Ordinance No. 161853,
effective May 27, 1989.)

Chapter 3.106

**EXPOSITION-RECREATION
COMMISSION**

(Added by Ordinance No. 143806,
effective June 15, 1977.)

Sections:

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.
- 3.106.070 Special Services Personnel as Special Police.

3.106.010 Commission Action.

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

3.106.020 Filing Copies of Resolutions with City Auditor.

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

3.106.030 Council Review.

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission

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resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council member shall state the reason such review is necessary and what action the Council should take on the matters.

3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.

(Amended by Ordinance No. 170667, effective Oct. 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A. Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B. Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C. Personnel policy or matters of employment, dismissal or disciplining of employees.
- D. Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

3.106.050 Council Initiation of Exposition - Recreation Commission Action.

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

- A. Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B. The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

3.106.070 Special Services Personnel as Special Police.

(Added by Ordinance No. 151083; amended by Ordinance No. 176585, effective July 5, 2002.) Persons appointed as special services personnel shall be special police officers of the City and shall so serve. As special police officers, the special services personnel and the supervisor, shall have authority to issue citations for violations of parking or nonmoving traffic violations occurring on the Memorial Coliseum Complex premises and the Civic Stadium premises, and particularly they shall have authority to issue citations as provided for in Section 16.06.060, and shall have authority to sign citations forms as provided for in Section 16.06.010. In addition to authority to issue citations for parking or nonmoving traffic violations, special services personnel and their supervisors shall have authority to issue citations for violations of 14A.50.030, 14A.50.040 and 14A.50.050 occurring on the Memorial Coliseum Complex premises and the Civic Stadium premises. To the extent of the power and authority granted in this Section, such personnel and their supervisors shall exercise full police power and authority.

Chapter 3.107

**WATER QUALITY ADVISORY
COMMITTEE**

(Added by Ordinance No. 161853,
effective May 27, 1989.)

Sections:

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

3.107.010 Created - Appointment.

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from

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the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

3.107.020 Duties.

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A.** The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B.** The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.
- C.** The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

3.107.030 Meetings.

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

3.107.050 Rules - Quorum.

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

Chapter 3.110

**BUREAU OF HYDROELECTRIC
POWER**

(Added by Ordinance No. 147822,
effective July 9, 1979.)

Sections:

- 3.110.010 Creation and Function.
- 3.110.020 Jurisdiction.

3.110.010 Creation and Function.

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

3.110.020 Jurisdiction.

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

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Chapter 3.111

**OFFICE OF
SUSTAINABLE DEVELOPMENT**

(Added by Ordinance 157992,
effective Feb. 18, 1986.)

Sections:

- 3.111.010 Creation.
- 3.111.020 Purpose and Function.
- 3.111.030 Solar Access Permit Policy.
- 3.111.040 Solar Access Permit Purpose.
- 3.111.050 Definitions.
- 3.111.060 Affected Zones.
- 3.111.070 Application for a Solar Access Permit.
- 3.111.080 Standards of Approval.
- 3.111.090 Procedure.
- 3.111.100 Issuance and Recordation.
- 3.111.110 Obligation Created by a Solar Access Permit: Assignment of Costs.
- 3.111.120 Enforcement.
- 3.111.130 Termination of a Solar Access Permit.
- 3.111.140 Reapplication for a Solar Access Permit.

3.111.010 Creation.

(Amended by Ordinance No. 174830, effective September 22, 2000.) There hereby is created an Office of Sustainable Development.

3.111.020 Purpose and Function.

(Amended by Ordinance Nos. 165281 and 174830, effective September 22, 2000.) The Office of Sustainable Development is created to assure proper City support for the City's energy policy, the Sustainable Portland Commission, and solid waste and recycling programs, and shall:

- A. Direct and evaluate energy policy and global warming action plan implementation;
- B. Administer and monitor direct City government energy efficiency activities;
- C. Review City policies and programs for consistency with the policy;
- D. Make recommendations to the Council on the policies and programs;

- E.** Create solar access permit forms and administer the solar access permit process as provided for in Sections 3.111.030 to 3.111.140;
- F.** Provide support for the activities of the Sustainable Portland Commission.
- G.** Accomplish other functions as required by the Commissioner In Charge.
- H.** Administer and monitor programs in support of sustainable development principles; and
- I.** Administer the City's solid waste and recycling programs.

3.111.030 Solar Access Permit Policy.

The City Council finds that the use of renewable resources, such as solar energy, is in the public interest and advances the general welfare, and that solar energy cannot be properly used if shade from vegetation on abutting lots is not controlled.

3.111.040 Solar Access Permit Purpose.

The purpose of the following Sections is to enable property owners with solar energy systems to preserve solar access to their systems by restricting the shade cast by certain types of vegetation on neighboring properties. The mechanism used to protect solar access shall be known as a solar access permit.

3.111.050 Definitions.

(Amended by Ordinance No. 174830, effective September 22, 2000.)

- A. Commission.** The Sustainable Portland Commission as authorized in Chapter 3.112.
- B. Director.** The Director of the Office of Sustainable Development or his or her designate.
- C. Exempt vegetation.** The following vegetation shall be exempt from any solar access permit height restrictions.
 - 1.** The mature breadth and height of vegetation listed on a solar access permit as existing on the date the application for the solar access permit is filed with the City.
 - 2.** All trees on the City's approved list of solar friendly trees.

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- D. Owner.** The deedholder of real property or the contract purchaser of real property of record as shown in the last available complete assessment roll in the office of the County Assessor; a person with a written power of attorney; a person with other specific written and notarized authorization to sign and file a solar access permit application. Owner shall include a deedholder or contract purchaser whose name does not appear in the last available complete assessment roll but who presents a deed or contract of sale showing date, book and page of recording to the Energy Office.
- E. Solar access permit.** A document that describes the maximum permitted height of nonexempt vegetation on properties to which the permit applies to protect solar access on the property of the permit applicant, to the extent authorized by the City. A solar access permit shall include, but is not limited to, the legal description of the properties benefited and restricted by the permit, a copy of the sunchart, solar access permit height limitations, and information listed in Section 3.111.070 B 5, 6 and 7.
- F. Solar access permit height limitations.** A series of contour lines rising in 5 foot increments at an angle to the south not less than 24 degrees from the horizon and extending at an angle not greater than 54 degrees east and west of true south, beginning at the bottom edge of a solar energy system for which a solar access permit is requested. For each affected property the height limitation at the northern lot line shall be no less than the height of shade from buildings allowed at the northern lot line by the solar setback for buildings required in Title 33.
- G. Solar energy system.** A device or combination of devices or elements that rely on direct sunlight as an energy source, including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity. Examples of a solar energy system include the south wall and a solar hot water system. A solar energy system may be used for purposes in addition to collecting solar energy including but not limited to serving as a structural member or part of a roof of a building or structure and serving as a window or wall.
- H. Solar friendly trees.** Trees identified as not significantly blocking solar radiation in the winter months. The City maintains a list of solar friendly trees, according to provisions specified in Sections 3.26.090 and 3.89.030.
- I. Solar heating hours.** The hours and dates during which solar access is protected under a solar access permit, not to exceed those hours and dates when the sun is lower than 24 degrees altitude or greater than 54 degrees east or west of true south.

- J. South wall.** Any wall of a dwelling oriented no more than 45 degrees from due south.

- K. Sunchart.** A photograph or photographs, taken in accordance with guidelines issued by the director, which plot the position of the sun during solar heating hours. The sunchart shall contain at a minimum the southern skyline as seen through a grid which plots solar altitude for a 45-degree northern latitude in 10-degree increments and solar azimuth measured from true south in 15-degree increments. If the solar energy system is less than 20 feet wide, a minimum of one sunchart shall be taken from the center of the bottom edge of the system. If the solar energy system is 20 feet or wider, a minimum of two suncharts shall be taken, one from each end of the bottom edge of the system. A sunchart is the primary document for determining when a nonexempt tree has violated the terms of a solar access permit.

- L. True south.** Twenty-one degrees east of magnetic south.

3.111.060 Affected Zones.

An owner or property in a FF, R20, R10, R7, R5, R2.5, C4 or C5 zone may apply for, and be subject to, a solar access permit, except that a solar access permit may not be obtained for any property in these zones that is affected by or exempt from the solar envelope requirements contained in Title 33 and 34 of this Code.

3.111.070 Applications for a Solar Access Permit.

- A. Applicant.** An owner may submit an application for a solar access permit to protect solar access to a new or existing solar energy system located on the owner's real property.

- B. Contents of application.** An application for a solar access permit shall contain the following information:
 - 1.** A legal description of the lot on which the solar energy system is or will be situated.

 - 2.** Evidence that a solar energy system is installed or a written commitment to install the proposed energy system within 1 year of the effective date of the permit.

 - 3.** A scaled drawing of the solar energy system showing the energy system's dimensions.

 - 4.** A sunchart.

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- 5.** A plan of the applicant's property, drawn to scale, accurately showing the location of the following:

 - a.** Existing vegetation; and
 - b.** The solar energy system's height above grade, distance from property lines and orientation from true south.
 - 6.** The solar heating hours for which protection is sought.
 - 7.** A list of the lots, all or a portion of which, are within 150 feet as measured within 54 degrees east or west of true south of the solar energy system, including unbuildable areas, and the following information for each such lot:

 - a.** The solar factor determined in accordance with Section 33.530.050 D 2.;
 - b.** The legal description;
 - c.** The owner of record and his or her address; and,
 - d.** For each lot with a solar factor of 17 or greater, or in the case of a lot located in an R2.5 zone with a solar factor of 44 or greater, all existing vegetation.
 - 8.** For each affected lot, a description of the requested solar access permit height limitations.
 - 9.** A statement that the applicant tried and failed to reach a written and recorded agreement that would protect solar access similar to that which would be protected by a solar access permit with the property owners who would be affected by a solar access permit.
 - 10.** A statement that all weatherization measures shown by a certified energy audit as specified in Title 33 to have a simple payback in less time than the solar energy system, have been completed on the structure.
- C.** Fee. The fee to cover the costs of administration for the solar access permit will be established by the Energy Commission.
- D.** Filing; incomplete application.

1. An applicant shall file a written application for a solar access permit with the Energy Office on forms provided for this purpose. The applicant shall complete all portions of the forms. The Energy Office may require the applicant to submit drawings, topographic maps, photographs or other material essential for an understanding of the proposed permit.
2. An application shall not be deemed complete until the applicant has submitted all information required by the application forms and has paid the application fee.

3.111.080 Standards of Approval.

An application for a solar access permit shall be approved if the applicant satisfies each of the following:

- A. Application complete and accurate. The application is complete and the information contained in the application is accurate.
- B. Neighbor agreement. The applicant has tried and failed to reach written and recorded agreements with the property owners who would be affected by a solar access permit. Such agreements would protect quantity and quality for solar access similar to that protected by solar access permit and at a cost no greater than the City's application fee.
- C. On-site vegetation. No vegetation on the applicant's property is shading the solar energy system during the solar heating hours for which protection is requested except vegetation which is listed on the City's approved solar friendly tree list.
- D. Cost-effective weatherization. All weatherization measures shown by certified energy audit as specified in Title 33 to have a simple payback in less time than the solar energy system shall have been completed on the structure.

3.111.090 Procedure.

- A. Preliminary review.
 1. The director shall review an application for a solar access permit. If the director determines the application is complete, accurate and satisfies the standards contained in Section 3.111.080, the director shall follow the procedure described in Subsections B - D.

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2. If the director determines the application is not complete and accurate, the director shall notify the applicant in writing of the deficiencies and inaccuracies. On notice from the director that an application form is incomplete, the applicant shall provide the missing information and correct the inaccuracies before the application is processed further. If the applicant fails to submit the missing information or correct the inaccuracies within 30 days of the director's request and offers no good reason for doing so, the director shall deny the application.

B. Notice.

1. The director shall inform the City Auditor of the application and of the director's preliminary determination that the application satisfies the standards set forth in 3.111.090. The City Auditor shall compile a list of names and addresses of property owners within the affected area. The affected area is all real property identified in Section 3.111.070 B 7.
2. The City Auditor shall send notice of the permit application to the property owners in the affected area. The notice shall include:
 - a. Information required by Section 3.111.070 B 4. - 10.;
 - b. A description of the rights and responsibilities of owners of property subject to a solar access permit;
 - c. A statement that the director finds the application to be complete, accurate and in compliance with the standards set forth in Section 3.111.090, and that the director intends to approve the permit unless an affected party requests a hearing within 21 days of the date the notice was mailed;
 - d. A form to submit to the director to request a hearing; and
 - e. A telephone number to call for further information regarding the application.

C. Request for hearing.

1. Within 21 days of the date the notice was mailed, an affected party may request a hearing before the Energy Commission. An affected party is a person entitled to notice under Section 3.111.090 B 1, or his or her representative, who challenges the accuracy of the information contained in the application or contends the application fails to satisfy one or more of the standards contained in Section 3.111.080. A request for a hearing

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must be made in writing and must be filed with the Director within the 21-day period prescribed by this action. A request for a hearing must identify clearly the inaccuracies or deficiencies in the application. Failure to comply with all of these requirements will result in final review and approval of the application without a hearing.

2. If the director receives a timely request for a hearing, the director shall first request the applicant, the person(s) requesting a hearing and a representative of the Energy Office to attend a conference to informally resolve any objections to the application. The conference shall be held within 10 days of the date of receipt of a request for a hearing. The director shall send written notice of the conference to the applicant and the person requesting a hearing.
3. If the person(s) requesting a hearing still has objections to the application at the conclusion of the conference, a hearing shall be scheduled in accordance with Section 3.111.090 D. The hearing shall be held no later than 21 days after the date of the conference.
4. If the conference resolves any objections to the application or if no timely request for a hearing is received, the director shall approve the application. Such approval shall be granted in writing within 10 days of the date of the conference or within 10 days after the last date to request a hearing. The City Auditor shall mail a copy of the director's decision to all property owners in the affected area.

D. Notice and hearing.

1. The City Auditor shall send notice of the date, time and place of the hearing to all property owners within the affected area at least 14 days prior to the scheduled hearing date.
2. The Commission shall conduct a hearing according to the procedures established under Code Section 33.112.020 (7).
3. The Energy Commission shall decide whether or not the information contained in the application is complete and whether or not the application complies with the standards set forth in Section 3.111.080.
4. The Energy Commission shall issue a written decision approving or denying the permit application within 10 days after the date of the hearing. The decision shall explain the basis for approving or denying the permit application.

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5. The City Auditor shall mail a copy of the Energy Commission's decision to all property owners in the affected area.

3.111.100 Issuance and Recordation.

- A. On the approval of an application, the director shall issue a solar access permit protecting the solar access described in the application.
- B. On receiving such a permit, the City shall, at the expense of the applicant:
 1. Record the solar access permit with the deeds to the applicant's lot and each neighboring lot identified in the application; and
 2. Record a copy of the approved application with the County recorder.
- C. The form of the solar access permit shall be as prescribed by the director and shall contain the information identified in Section 3.111.070 B 1-8.

3.111.110 Obligation Created by a Solar Access Permit: Assignment of Costs.

An owner of property restricted by solar access permit shall not permit nonexempt vegetation on his or her property to shade a solar energy system during protected solar heating hours. Each property owner affected by a solar access permit shall pay all costs for keeping the nonexempt vegetation trimmed and in compliance with the solar access permit.

3.111.120 Enforcement.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. A solar access permittee may request the Bureau of Development Services to enforce the provisions of the solar access permit by providing the following information to the Bureau:
 1. A copy of the solar access permit;
 2. A current sunchart documenting nonexempt vegetation is shading the solar energy system during protected solar heating hours;
 3. The legal description of the lot on which the alleged nonexempt vegetation is situated, the address of the property owner, and a scaled plot plan showing the nonexempt vegetation on the lot;
 4. Evidence that the solar energy system still exists and is operating; and

5. A current sunchart and any other evidence necessary to show that nonexempt vegetation on the permittee's property is not shading the energy system during protected solar heating hours.
- B. Procedure. The Bureau of Development Services may enforce a valid solar access permit by instituting an action in accordance with Section 3.30.015 of this Code.
- C. Notwithstanding Subsections A. and B., the permittee may institute a private action in his or her own name to enforce the provision of a valid recorded solar access permit.

3.111.130 Termination of a Solar Access Permit.

- A. Basis for termination. The director shall terminate a solar access permit with respect to all or part of the neighboring lots restricted by the permit if a petition for termination is submitted by the permittee or the permittee's successor in interest, or the solar energy system is not installed within 12 months of the date of issuance of the permit.
- B. Notice. The director shall send the permittee a notice of termination. The notice shall contain:
 1. A brief description of the permit and the lots affected by the permit;
 2. A legal description of the lot(s) for which the permit is to be terminated; and
 3. If the termination is due to the permittee's failure to install a solar energy system within 12 months of the date of issuance of the permit, a statement that the permittee has a right to demonstrate to the director that the system has been substantially completed or installed.
- C. Recordation.
 1. Except as provided in Subsection 2. of this Section, within 30 days after the director mails the notice of termination, the director shall record a copy of the notice with the County clerk who shall record the termination of the solar access permit with the deeds to the permittee's lot and each neighboring lot identified in the permit.

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2. If the permittee demonstrates that the solar energy system has been substantially completed or installed, or will be substantially completed or installed within 30 days of the date of the notice of termination, the director shall not terminate the solar access permit.

3.111.140 Reapplication for a Solar Access Permit.

- A. Except as provided in Subsection 2. of this Section, a permittee whose solar access permit has been terminated or an applicant whose application for a solar access permit has been denied may reapply for a solar access permit.
- B. A permittee whose permit has been terminated because the solar energy system protected by the permit has not been installed within 1 year of the effective date of the permit, may not reapply more than twice for a new permit prior to installation of the solar energy system.

Chapter 3.112

**SUSTAINABLE DEVELOPMENT
COMMISSION**

(New Chapter substituted by
Ordinance No. 167239,
effective Dec. 29, 1993.)

Sections:

- 3.112.010 Sustainable Development Commission; Mission.
3.112.020 Powers and Duties.
3.112.030 Membership.
3.112.040 Officers.

3.112.010 Sustainable Development Commission; Mission.

(Amended by Ordinance Nos. 168886 and 176207, effective February 15, 2002.) A sustainable community is one in which economic, ecological, and social well-being are integrated to ensure all live well, within nature's means. The mission of the Sustainable Development Commission is to develop and advocate for programs, policies, and actions by government, citizens, and businesses leading to sustainable communities in the Portland metropolitan area, including those that:

- A. Support a diverse and vibrant economy;
- B. Promote an equitable distribution of resources;
- C. Protect and restore the integrity of the natural systems that support life, including air, water, and land;
- D. Preserve the diversity of plant and animal life; and
- E. Reduce human impacts on local and worldwide ecosystems.

3.112.020 Powers and Duties.

(Amended by Ordinance Nos. 168886, 176207 and 179680 effective October 19, 2005.)
The Commission is not authorized to modify, limit or alter any permit or regulatory process of any City or County office or bureau. Subject to that limitation, in order to carry out its mission, the Commission is authorized to:

- A. Work closely with the Jurisdiction on respective Sustainable Government Initiatives including review and recommendations on Sustainability Plans;
- B. Advise the Jurisdictions on the creation, maintenance and marketing of a “Sustainable Community Report Card” to inform residents and businesses about how we are doing as a community related to a specific set of sustainability indicators;
- C. Help enhance sustainable economic development through public forums, media outreach and public speaking opportunities;
- D. Advise and make recommendations to the Portland City Council and the Multnomah County Board of Commissioners on policies and programs that create sustainable communities;
- E. Articulate and promote long-range goals and objectives for developing and achieving sustainable communities;
- F. Promote sustainable communities among citizens, businesses, governmental agencies and community-based organizations;
- G. Develop opportunities for all citizens to learn about values, principles, and practices that will bring about sustainable communities;
- H. Assist City and County personnel in the coordination of policies and actions creating sustainable communities.

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- I.** Conduct public meetings as necessary;
- J.** Meet at least six times a year and keep minutes of its proceedings;
- K.** Provide an annual report to the governing bodies on the Commission's activities, achievements and plans for the coming year; and
- L.** Adopt rules or bylaws as necessary for its operation and undertake any other activities necessary to the accomplishment of its mission within the terms of this Section.

3.112.030 Membership.

(Amended by Ordinance Nos. 168886, 176207 and 179680 effective October 19, 2005.) The Commission shall consist of eleven members as provided in the Intergovernmental Agreement entered into by the City of Portland and Multnomah County. Following recommendation by the Commissioner-in-Charge of the Office of Sustainable Development, six of the commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Five shall be appointed by Multnomah County. All appointments to the Commission shall be for terms of two years. Members shall serve without compensation. However, reasonable expenses for carrying out the work of the Commission may be reimbursed by the City. Absence from four consecutive Commission meetings shall constitute cause for removal.

3.112.040 Officers.

(Amended by Ordinance Nos. 176207 and 179680, effective October 19, 2005.) Two co-chairs shall be appointed by the Jurisdictions. One co-chair shall be a City appointee, and one shall be a County appointee. All Commission officers shall serve for two years. No officer may be elected for more than two consecutive terms.

Chapter 3.114

**OFFICE OF CABLE
COMMUNICATIONS
AND FRANCHISE MANAGEMENT**

(Added by Ordinance No. 149053; amended by
Ordinance Nos. 151338 and 160424,
effective Feb. 22, 1988.)

Sections:

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.

3.114.010 Creation.

There is hereby established an Office of Cable Communications and Franchise Management. The Office shall be administered by a Director and shall have such other employees as the Council may provide.

3.114.020 Functions.

- A.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- B.** The Office shall be responsible for promoting the orderly development of City-owned cable communication systems, for providing staff support needed by the Portland Cable Communications Regulatory Commission and for performing all other necessary work related to cable communications in the City.
- C.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Fiscal Administration and other City agencies and bureaus.

3.114.030 Jurisdiction.

- A.** The Office shall have jurisdiction over all franchisees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.

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- B.** The Office shall have jurisdiction over all cable communications matters affecting the City of Portland.

3.114.040 Policy.

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

Chapter 3.115

**CABLE COMMUNICATIONS
REGULATORY COMMISSION**

(Added by Ordinance No. 151338,
effective April 1, 1981.)

Sections:

- 3.115.010 Definitions.
- 3.115.020 Commissions Created.
- 3.115.030 General Power and Duties.
- 3.115.040 Monitoring.
- 3.115.050 Reviewing Reports.
- 3.115.060 Interconnection.
- 3.115.070 Complaints.
- 3.115.080 Evaluations.
- 3.115.090 Rate Regulation.
- 3.115.095 Rate Regulation Criteria.
- 3.115.100 System Development.
- 3.115.110 Council Action.
- 3.115.120 Appeal.
- 3.115.130 Franchises.
- 3.115.140 Portland Cable Access.
- 3.115.150 Annual Report.
- 3.115.160 Annexations.
- 3.115.170 Cable Television Consumer Protection.
- 3.115.175 Customer Service and Television Responsiveness.
- 3.115.180 Service and Repair Calls.
- 3.115.185 Disconnection.
- 3.115.190 Credits Upon Outage.

- 3.115.195 Itemized Billing.
- 3.115.200 Information to Subscribers.
- 3.115.205 Nondiscrimination.

3.115.010 Definitions.

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

- A. “Commission”** means the Portland Cable Communications Regulatory Commission.
- B. “Franchise”** means a cable communications system franchise.
- C. “Grantee”** means the grantee of a cable communications system franchise within the City of Portland.
- D. “System”** means a franchised cable communications system.
- E.** (Amended by Ordinance No. 152558, effective Nov. 25, 1981.) **“Corporation”** means Portland Cable Access.

3.115.020 Commission Created.

There hereby is created the Portland Cable Communications Regulatory Commission. The Commission shall consist of seven members, including a Chairman, appointed by the Commissioner In Charge of the Office of Cable Communications and confirmed by the Council. Appointments shall be for terms of 4 years except that 3 of the initial appointments shall be for terms of 2 years. The Chairman’s initial appointment shall be to one of the 4-year terms. When an interim vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill the balance of the unexpired term. The Commissioner In Charge of the Office of Cable Communications may remove a member from the Commission at any time, subject to approval by the Council. All members shall be residents of the City. The Commissioner In Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of representation, without limitation, of racial and ethnic minorities, women, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from the grantee of any franchise. No member may have an ownership interest in the grantee of a franchise.

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3.115.030 General Powers and Duties.

- A.** All powers granted to the Commission by this Chapter shall be subject to the provisions of grantees' franchises. In the event of any conflict between this Chapter and a grantee's franchise, the provisions of the franchise shall prevail.
- B.** Except as expressly provided otherwise in this Chapter, and subject to appeal as set out in this Chapter, the Commission shall exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under grantees' franchises. The Commission shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Office of Cable Communications on all other matters pertaining to cable communications franchises or proposed franchises. The Commission shall adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under this Chapter, provided that such regulations shall not become effective until approved by the Council.

3.115.040 Monitoring.

The Commission shall monitor the performance of all grantees to determine whether the grantees are complying with the provisions of their franchises. In carrying out its monitoring duties, and subject to appeal as set out in this Chapter, the Commission shall cause to be made such reasonable inspections, tests, and demonstrations of grantees, systems as the Commission deems required in order to protect the public service, health or welfare. The Commission shall make recommendations to the Council regarding actions it deems appropriate for franchise violations it discovers.

3.115.050 Reviewing Reports.

The Commission shall review and as appropriate audit all reports filed by grantees with the City. Subject to appeal as set out in this Chapter, the Commission may require any grantee or grantees to prepare and file additional reports as necessary or desirable to carry out its duties under this Chapter. After consultation with affected grantees, the Commission may adopt regulations establishing the form of reports to be filed with the City; the place at which filings are to be made; and criteria and procedures for the protection of material contained in reports that is not open for public disclosure. The regulations shall be subject to the provisions of City Charter Section 10-107 and shall not become effective until approved by the Council.

3.115.060 Interconnection.

The Commission, as necessary or desirable, shall coordinate the interconnection of the systems of grantees with each other, with systems of the City and with systems outside the City but within the Metropolitan Service District, provided, however, that the

Commission may not require any grantee to interconnect to a non-contiguous system without Council approval. The Commission may cooperate with other governmental units in the supervision of the interconnection systems.

3.115.070 Complaints.

The Commission may receive and investigate any unresolved complaint about a grantee's service filed with the Commission or referred to the Commission by the Commissioner In Charge of the Office of Cable Communications. After consultation with affected grantees, the Commission may adopt regulations establishing methods and procedures to ensure that complainants have recourse to a satisfactory hearing and method for settling complaints. The regulations shall not become effective until approved by the Council.

3.115.080 Evaluations.

The Commission shall evaluate, pursuant to such criteria and standards as the Commission previously shall have adopted, each grantee's system at least every 3 years and, based on the evaluation, issue a report to the Council through the Commissioner In Charge of the Office of Cable Communications containing any recommendations for action by the City.

3.115.090 Rate Regulation.

(Amended by Ordinance Nos. 155256 and 156712, effective Oct. 25, 1984.)

- A.** All grantee rates and charges shall be subject to regulation by the City in a manner to be determined from time to time by the City Council by ordinance. The Council may establish whatever rate regulation method it deems reasonable, including without limitation a utility approach that allows automatic increases within a predefined range, an approach that regulates service quality but not rates, or any combination thereof. The rate regulation method may include without limitation rules governing allocation of depreciation; calculation, crediting, and treatment of tax benefits; allowing funds borrowed to supplement cash flow necessitated by nonutilization of any tax benefits or a buyout of partnership equities; and disallowing consideration of interest expense in excess of interest rates actually incurred and paid by the grantee. Increases in rates for entertainment and access services may be made no more often than annually by a grantee by filing the revised schedule of rates with the City Auditor and by providing notice thereof to its subscribers not later than 15 days prior to such filing. The notice to subscribers shall be in writing and shall state the amount of each increase proposed in the schedule of rates. The Commission, within 30 days of such filing, shall hold a public hearing on whether to require by resolution review of the proposed increases prior to their going into effect. Each rate increase shall be in effect on the 31st day after such filing unless the Commission or the City Council by resolution shall require prior review of such rate increase, in which case such rate increase shall not be effective unless the Commission after public hearing and within 60 days of passage of the resolution shall approve

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the rate increase as filed or as modified by the Commission. Any decision of the Commission on a rate increase filing or any failure of the Commission to act on a rate increase filing within 60 days of passage of a resolution requiring prior review may be appealed by the grantee to the City Council. The approval of any rate increase by the Commission shall not be effective until 10 days after such approval, and if after Commission approval but prior to the effective date thereof, two members of the Council so request in writing to the City Auditor, the proposed increase shall be referred to the Council for review. The Council must either approve by ordinance, modify by ordinance, or disapprove the rate increase within 45 days after a review request is filed with the City Auditor or after an appeal is filed by the grantee. Any failure by the Council to act on a rate increase within the 45-day period shall constitute disapproval of the rate increase.

- B.** The requirement of written notice to subscribers set out in Subsection (1) shall not apply to any grantee with less than 250 subscribers.
- C.** In the event federal law and regulations have preempted local government regulation of rates charged for specific cable television services or classes of services, then the filing and written notification requirements of Subsection (1) shall be applicable to rate increases for those services for purposes of informing subscribers and the public of the increases, but the other provisions of Subsection (1) shall not be applicable thereto. The notification to subscribers about preempted rates shall be sufficient if given any time before the rate increases become effective.
- D.** If so instructed by the City Council the Commission shall prepare and recommend regulations governing rates of grantees. The recommendation shall include regulations to prevent grantee's use of entertainment system revenues to subsidize institutional system construction and operation. On approval by the City Council of regulations governing rates of grantees, the Commission shall exercise the powers and perform the duties assigned to it by the regulations.

3.115.095 Rate Regulation Criteria.

(Added by Ordinance No. 155624, effective Feb. 23, 1984.) In the event of a rate increase review pursuant to Section 3.115.090 by the Commission or the City Council, the Commission and City Council shall base their decisions to approve, disapprove or modify the proposed rate increase on the following criteria:

- A.** Whether the proposed rate will provide the grantee a reasonable rate of return;
- B.** Whether the grantee is in substantial compliance with its franchise and other legal obligations to the City; and
- C.** Whether the grantee substantially meets the following service requirements:

1. Provides efficient service.
2. Receives subscriber complaints on a 24-hour basis or on such reduced basis as is economically reasonable taking into consideration the size of the grantee;
3. Makes repairs promptly; and
4. Interrupts service only for good cause and for the shortest time possible.

3.115.100 System Development.

The Commission shall use its regulatory powers and make recommendations to the City Council in order to promote and guide the development of systems in the City in a manner that will be in the public interest, with particular emphasis on nonentertainment cable communications services for home and institutions and on new and innovative services, but subject to the limitation that entertainment system revenues shall not be used to subsidize institutional system construction and operation.

3.115.110 Council Action.

Prior to any proposed City Council action regarding any system, systems, grantee or grantees, the Commission shall consider and make its recommendation on the action, whether at the proposal of the City Council, a grantee or any other person, or on the Commission's own motion. The Commission shall make a recommendation to the City Council on the proposed action within 60 days after receipt of the proposal. The City Council shall not take any such action until it has received the Commission's recommendation. Notwithstanding any other provision of this Section, the Council may waive prior Commission consideration and recommendation on any proposed City Council action and may proceed to consider and take such action.

3.115.120 Appeal.

Any grantee may appeal to the City Council any action of the Commission regarding the grantee by filing a written notice of appeal in the office of the City Auditor not more than 20 calendar days after the date of final action by the Commission. The Commissioner In Charge of the Office of Cable Communications or any two other Commissioners may cause any action of the Commission to be brought before the City Council on appeal by filing a written notice of appeal in the office of the City Auditor not more than 20 calendar days after the date of final action by the Commission. Any person directly affected by an action of the Commission may appeal to the City Council, provided the person has appeared before the Commission in person or in writing regarding the action, by filing a written notice of appeal in the office of the City Auditor not more than 20 calendar days after the date of final action by the Commission. The notice of appeal shall state the action taken by the Commission, the reasons why the action was improper, and

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the relief requested. The scope of the appeal shall be limited to consideration of the action, reasons, and relief set out in the notice of appeal. The appealed action shall be stayed pending a decision of the City Council.

3.115.130 Franchises.

The Commission may make recommendations to the Council through the Commissioner In Charge of the Office of Cable Communications regarding the renewal, termination, and forfeiture of franchises; the exercise of buyout authority; and the transfer of system ownership and control.

3.115.140 Portland Cable Access.

(Amended by Ordinance Nos. 152558; and 162523, effective Nov. 16, 1989.)

- A.** Each City Council member, shall appoint two directors of the corporation. In appointing directors, the Council member shall give consideration to representation on the board of directors of the fields of arts, education, public access, government, and community information; and of racial and ethnic minorities, non-English speaking people, women, and low-income people. In addition, the Commission shall have the authority to appoint from its membership one non-voting Director, and the operators of the two cable communications systems in the City of Portland passing the greatest number of homes shall each have the authority to designate one non-voting Director. The Commission shall monitor, report annually, and make recommendations to the Council on the activities of the corporation, including review of the budget and financial status of the corporation and recommendations regarding the granting of funds by the City to the corporation. The Commission's recommendations regarding the granting of funds by the City to the corporation shall include a recommendation that at least 40 percent of the franchise fees received by the City be granted to the corporation together with description of the work to be performed by the corporation in consideration for the grant and the time period that the grant should cover. It is the Council's intention to appropriate at least 40 percent of the franchise fees for grants to the corporation and the balance for funding the Office of Cable Communications.
- B.** The corporation may exercise regulatory control, and management powers over the channels to be controlled by the corporation under the Cablesystems Pacific franchise to the full extent authorized by the franchise, provided, however, that the corporation shall not transmit or permit to be transmitted over any channel over which it has programming control any material that is obscene or indecent. For purposes of this Subsection, material shall be deemed obscene or indecent if:

 - 1.** It depicts or describes in a patently offensive manner sadomasochistic abuse or sexual conduct;

2. The average person applying contemporary state standards would find the material, taken as whole, appeals to the prurient interest in sex; and
3. Taken as a whole, it lacks serious literary, artistic, political, or scientific value. Also for purposes of this Subsection, the terms “sodomasochistic abuse” and “sexual conduct” shall have the meanings assigned to them by ORS 167.060, 1971 Oregon Laws Chapter 743, Section 255.

3.115.150 Annual Report.

The Commission shall prepare an annual report at the conclusion of each calendar year for inclusion in the budget request of the Office of Cable Communications. The report shall cover activities of the Commission and corporation during the past calendar year; planned activities of the Commission and corporation during the upcoming calendar year; the receipt and use of franchise fees; the general performance of grantees; the development and use of systems within the City; anticipated new services on the systems within the City; and recommendations of the Commission or the corporation; and such other matters as the Commission may deem appropriate.

3.115.160 Annexations.

(Added by Ordinance No. 153956, effective Nov. 4, 1982)

- A. In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise, then the grantee shall have the same rights and obligations under the franchise after annexation that it had before annexation, except that:
 1. After annexation the City shall have all rights under the franchise of the issuing public body as to system construction and operation within the annexed area, including without limitation all rights to regulate, to collect and use franchise fees, and to insurance and other protection; and
 2. After annexation the grantee’s obligations under the franchise as to system construction and operation within the annexed area shall be to the City rather than to the issuing public body.
- B. Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

3.115.175 Cable Television Consumer Protection.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.) The following policies and standards apply to all cable television companies (grantees) which are or may hereafter be subject to the jurisdiction of the City of Portland under their respective franchise agreements, under Chapter 3.114 and 3.115 of the City Code, or under other applicable laws, rules, regulations or agreements.

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3.115.175 Customer Service and Telephone Responsiveness.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.)

- A.** Grantee offices must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on Saturdays.
- B.** As used herein, “adequately staffed” means toll-free telephone lines are open and customer service representatives are available to respond in at least the following ways:
 - 1.** To accept payments;
 - 2.** To exchange or accept returned converters or other company equipment;
 - 3.** To respond to inquiries; and
 - 4.** To schedule and conduct service or repair calls.
- C.** Toll-free telephone lines, either staffed or with answering capability; providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays.
- D.** Each grantee shall maintain, on average as verifiable by statistical data;
 - 1.** Sufficient customer service staff and telephone line capacity to handle normal call volume with a minimum of delay to customers; and
 - 2.** As least ninety percent responsiveness during normal call volume, defined as fewer than one customer call in ten will encounter a busy signal or a delay in reaching a customer service representative exceeding one minute in length.

3.115.180 Service and Repair Calls.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.)

- A.** Requests from subscribers for repair and maintenance service must be acknowledged by a grantee within 24 hours or prior to the end of the next business day, whichever is earlier. Repair and maintenance for service interruptions or other repairs not requiring on-premises work must be completed within 24 hours under normal operating procedures. All other repairs should be completed within 72 hours in normal circumstances. No charge may be made to

subscribers for this service, except in cases beyond the reasonable control of the grantee, such as documentable cases of repeated subscriber negligence or abuse of grantee equipment.

- B.** As a normal operating procedure, upon subscriber request each grantee shall provide either a specific appointment time or else a pre-designated block of time (not to four hours) for subscriber service appointments to be scheduled Monday through Saturday in the morning, the afternoon or after 5:00 P.M. (repair only).
- C.** As a normal operating procedure, and with particular regard to the needs of working or mobility-limited customers, upon subscriber request each grantee shall arrange for pickup and/or replacement of converters or other company equipment at the subscriber's address, or else a satisfactory equivalent (such as the provision of a postage-prepaid mailer).

3.115.185 Disconnection.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.)

- A.** A grantee may disconnect a subscriber for cause if:
 - 1.** At least 30 days have elapsed after the due date for payment of the bill of the affected subscriber; and
 - 2.** The grantee has provided at least 10 days written notice to the affected subscriber prior to disconnection, specifying the effective date after which cable services are subject to disconnection.
- B.** Regardless of subsection A hereof, a grantee may disconnect a subscriber for cause at any time if the grantee in good faith determines that the subscriber has tampered with or abused company equipment, or is or may be engaged unlawfully in theft of cable services.
- C.** A grantee shall promptly disconnect any subscriber who so requests from the grantee's cable system. No period of notice prior to voluntary termination of service may be required of subscribers by any grantee. No charge may be imposed by any grantee for such voluntary disconnection, or for any cable services delivered after the date of the disconnect request. Upon the later of the date of actual disconnection or the return of all company equipment to grantee, the grantee shall within ten working days return to such subscriber the amount of the deposit, if any, collected by grantee from such subscriber, less any undisputed amounts owed to grantee for cable services or charges prior to the date of disconnection.

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3.115.190 Credits Upon Outage.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.) Except for planned outages where subscribers are provided reasonable notification in advance, upon a subscriber's request a grantee shall provide a pro-rated 24-hour credit to the subscriber's account for any period of four hours or more during which that subscriber experienced an outage or substantial impairment of cable service.

3.115.195 Itemized Billing.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.) Each grantee bill to subscribers must itemize each category of service, equipment, or other applicable fees, and state clearly the charge therefor.

3.115.200 Information to Subscribers.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.)

- A.** Upon installing initial service to or reconnecting each customer, and upon request thereafter each grantee must advise the customer, in writing, of:
- 1.** The equipment and services currently available (including parental lock-out devices) and the rates and charges which apply;
 - 2.** The amount and criteria for any deposit required by grantee, if applicable, and the manner in which the deposit will be refunded;
 - 3.** The grantee's policies and procedures by which complaints or inquiries of any nature will be addressed;
 - 4.** The toll-free telephone number and address of the grantee's office to which complaints and inquiries may be reported;
 - 5.** The company's practices and procedures for protecting against invasions of subscriber privacy; and
 - 6.** The notice and referral information to the City of Portland, as set forth in subsection B hereof.
- B.** Each grantee shall semi-annually send written notice to all subscribers that any complaints or inquiries not satisfactorily handled by the company may be referred to the City of Portland Office of Cable Communications and Franchise Management and the Cable Regulatory Commission. Such notification may be included with a billing statement, and shall contain either the printed text specified in subparagraph 1 hereof or an alternative text approved by the Commission.

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1. The text of the printed notice shall be as follows, unless otherwise authorized by the Commission:

PLEASE READ THIS

The City of Portland through the citizen Cable Regulatory Commission (CRC), and the Office of Cable Communications and Franchise Management (City Cable Office), is responsible for monitoring the customer service, system performance, and franchise compliance of your cable company. Toward this end, the City and your cable company work continuously to monitor and improve cable TV customer service in your community.

However, at times you may encounter problems with your cable service that you have been unable to resolve with your cable company. The City Cable Office and the CRC are available to help you with unresolved problems. If this is the case, please call the City Cable Office at 823-5385 weekdays (an answering machine takes messages after business hours), or write to the CRC c/o the City Cable Office, 1120 SW Fifth Avenue, #1021, Portland, OR 97204.

However, please contact your cable company **FIRST**, before calling the City Cable Office about your problem.

Cable Regulatory Commission meetings are generally held the second Tuesday of each month. Please call or write the City Cable Office for more information.

This announcement has been brought to you as a public service of the City of Portland and your cable company.

PLEASE SAVE FOR FUTURE REFERENCE

2. Such notice, in large boldface type, shall also be posted in a conspicuous place in grantee offices located within the City where customer service transactions are conducted within the meaning of Section 3.115.175 hereof.
- C. Each grantee shall provide to its subscribers and the City written notice at least 10 days in advance of any deletions in programming services, increases in any rates, costs, or charges to subscribers, or any channel repositioning within the control of grantee.

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- D.** All grantee promotional materials, announcements, and advertising of residential cable services to subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all grantee-prepared promotional materials must clearly and accurately disclose price terms and in the case of telephone orders, a grantee shall take appropriate steps to ensure that grantee customer service representatives clearly and accurately disclose price terms to potential customers in advance of taking the order.

3.115.205 Nondiscrimination.

(Added by Ordinance No. 163442, effective Sept. 5, 1990.)

- A.** No grantee shall unlawfully discriminate against any person in the provision of cable television services on the basis of race, color, religion, national origin, sex, sexual preference, age disability, income, or the area in which such person lives.
- B.** Each grantee shall use best efforts to assure maximum practical availability of grantee services and facilities to all subscribers, regardless of disability, including the provision of a remote control device to those subscribers who are mobility limited, or where a member of the subscriber's household is mobility limited.
- C.** For hearing impaired customers, each grantee shall provide information concerning the cost and availability of equipment to facilitate the reception of all basic services for the hearing impaired. In addition, each grantee must have TDD/TTY (or equivalent) equipment at the company office, and a publicly listed telephone number of such equipment, that will allow hearing impaired customers to contact the company.
- D.** Upon request by a subscriber or potential subscriber, each grantee shall make a reasonable effort to provide information required under Section 3.115.195, or otherwise provided in the normal course of business, in both English and the primary language of the requestor.

Chapter 3.116

WATERWAYS ADVISORY COMMITTEE

(Added by Ordinance No. 150413,
effective Sept. 17, 1980.)

Sections:

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

3.116.010 Created - Organization.

There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning Commission or his or her representative shall be a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

Members of the Waterways Advisory Committee shall:

- A.** Review any zoning Code amendment relating to waterways before it is presented to the Planning Commission, make its finds available to the Planning Commission and City Council;
- B.** Review and comment to the Planning Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.
- C.** Identify opportunities for City encouragement of commercial, residential, recreational, transportational and educational development that fulfills public goals.

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- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.
- E.** Make recommendations to the Planning Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning Commission and City Council on City policies governing use and development of the City's waterways.

Chapter 3.120

**METROPOLITAN ARTS
COMMISSION**

(Added by Ordinance No. 157240;
repealed by Ordinance No. 168592,
effective Mar. 8, 1995.)

Chapter 3.122

**ECONOMIC IMPROVEMENT
DISTRICTS**

(New Chapter substituted by
Ordinance No. 164665,
effective Sept. 18, 1991.)

Sections:

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 3.122.040 Statutory Provisions Applicable.
- 3.122.050 Preliminary Institution of Economic Improvement District
- 3.122.060 Final Plan and Ordinance Preparation.
- 3.122.070 Consideration of Final Plan and Ordinance.
- 3.122.080 Notice to Owners.

- 3.122.090 Exemption Process.
- 3.122.100 Hearing and Resolution Establishing District.
- 3.122.110 Preparation and Notice of Assessments.
- 3.122.120 Hearing on Assessments.
- 3.122.130 Amendments to Ordinance.
- 3.122.140 Limitation on Assessments.
- 3.122.150 Limitation on Boundaries.
- 3.122.160 Continuation of Assessments.
- 3.122.170 Expenditure of Moneys.
- 3.122.180 Cost of Administration.
- 3.122.190 Limitation on Expenditures.
- 3.122.200 Administration
- 3.122.210 Early Termination.
- 3.122.220 Surplus.
- 3.122.230 Entry and Collection of Assessments.

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District , although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

3.122.020 Definitions.

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. **“Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. **“Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. **“Economic Improvement”** means:
 - 1. The planning or management of development or improvement activities.

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2. Landscaping, maintenance and provision of security for public areas.
3. The promotion of commercial activity or public events.
4. The conduct of activities in support of business recruitment and development.
5. The provision of improvements in parking systems or parking enforcement.
6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.

D. “Preliminary Economic Improvement Plan” means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:

1. A description of economic improvements proposed to be carried out;
2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,

b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and

8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

E. “Final Economic Improvement Plan” means a plan setting out:

1. A description of economic improvements to be carried out;

2. The number of years, to a maximum of three, in which assessments will be levied;

3. The annual cost of the proposed economic improvements;

4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;

5. The formula for assessing the cost of the economic improvements against subject properties;

6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and

a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,

b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and

7. The cost of City administration of the Economic Improvement District.

F. “Lead bureau” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.

G. “Lot” means a lot, block, or parcel or land.

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- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
- 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a.** The average rent per unit is less than \$2 per day, or
 - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
 - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
 - 2.** Property owned or being purchased by religious organizations including:
 - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
 - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.
 - c.** Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

- K.** “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. The City Auditor or a representative designated by the City Auditor shall be a member of each Task Force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

- A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Auditor a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.
- B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:
- 1.** The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
 - 2.** It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;

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3. Establishment of the Economic Improvement District would be in the public interest;
 4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
 5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D. Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E. Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and the City Auditor shall appoint the city Auditor's representative, by notification to the head of the lead bureau.
- B. The City Auditor's representative shall provide to the task force a report setting out:
1. Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;

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2. Delinquencies in taxes or City liens on subject properties in the proposed District;
 3. The true cash value of all real property located within the proposed District; and
 4. The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C. The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D. The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the City Auditor's representative provided under Subsection B. The report also shall include a proposed ordinance that:
1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
 2. States whether the assessments will be mandatory or voluntary;
 3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
 4. Directs notice to be given in the manner provided by PCC 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

- A. If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

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3.122.080 Notice to Owners.

- A.** Following adoption of the ordinance under Section 3.122.070 B, the Auditor shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
- 1.** The Council's intent to form an Economic Improvement District.
 - 2.** Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
 - 3.** The formula for determining the amount of the assessment.
 - 4.** The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Auditor and where the file can be viewed. It should state that:
 - a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
 - 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
 - 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
 - 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
 - 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

- A.** Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Auditor a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B.** The Auditor, in his or her discretion, may audit a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The audit may include review of such evidence as the Auditor deems appropriate and may include a viewing of the property. In the event the Auditor determines that the property for which an exemption is claimed is not exempt, the Auditor shall give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Auditor shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Auditor's decision. The Auditor's approval or disapproval following review of the evidence shall be final.

3.122.100 Hearing and Resolution Establishing District.

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Auditor shall prepare the proposed assessment for each lot in the District that is a

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subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

- B.** Following preparation of the proposed assessments, the Auditor shall mail to the owner of each lot to be assessed a notice containing the following information:
1. The description of the property being assessed.
 2. The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
 3. The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
 4. The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
 5. The time, date and place of the hearing and that the following forms of objection may be filed:
 - a. A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
 - b. An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c. An objection to the formation of the District.
 6. A written objection may be filed with the Auditor prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.

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7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Auditor prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D. At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

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3.122.130 Amendments to Ordinance.

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:
1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
 2. Increases the likely assessment upon one or more properties; or
 3. Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
 2. Enlarges the Economic Improvement District.

3.122.140 Assessments.

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C.** The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;

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- C.** A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D.** A description of any liability to be born and insurance to be provided by the contractor; and
- E.** A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A.** The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B.** Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C.** Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

3.122.230 Entry and Collection of Assessments.

- A.** On adoption of an assessment ordinance under Section 3.122.120 D, the City Auditor shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

3.122.240 Economic Improvement Fund.

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

**Chapter 3.123
PORTLAND UTILITY REVIEW BOARD**

(Replaced by Ordinance No. 177275,
effective March 21, 2003.)

Sections:

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Recruitment Process.
- 3.123.060 Terms.
- 3.123.070 Standing Committees.
- 3.123.080 Staffing.
- 3.123.090 Meeting Schedule.
- 3.123.100 By-Laws.
- 3.123.110 Annual Report and Work session.

3.123.010 Created - Purpose.

A Portland Utility Review Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on water, sewer, stormwater and solid waste financial plans and rates. The Board will advise Council on the establishment of fair and equitable rates, consistent with customer needs, legal mandates, existing public policies, operational requirements, and the long-term financial stability and viability of the utilities.

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3.123.020 Scope

The Board shall perform the following functions:

- A.** Participation in the financial planning process. The Bureau of Water Works, the Office of Sustainable Development and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and re-do the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process.
- B.** Participation in the rate design process. The Board will make recommendations to the Council on the equitable distribution of rate adjustments among customer classes, as determined in the rate design process. The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, stormwater and solid waste rates. The Board will also participate in the periodic review and analysis of alternative rate designs proposed by Council. The Board shall report on other city activities or proposed policies with significant impacts to water, sewer and solid waste rates.
- C.** Relationship to other citizen advisory groups. The Council and the bureaus may form other groups, as necessary, to advise on utility matters. The Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- D.** Relationship to other interested parties. The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

The Board shall have nine (9) permanent members. The Mayor shall appoint the Chair of the Board. Five members shall constitute a quorum of the Board.

3.123.040 Appointments - Composition.

- A.** General Criteria. All members must reside in or work predominantly in the City of Portland and have an interest in sewer, water and solid waste issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, conservation or environmental concerns. In making appointments, the Mayor and City Council will attempt to have a range of professional and academic expertise, and volunteer experience, represented on the Board in disciplines such as accounting, civil engineering, conservation, environmental sciences, health sciences, public administration, urban planning, or utility economics. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, especially regarding customer classes, income levels, cultural and ethnic identity, geographic location, age and gender.
- B.** Restrictions. No individual with any direct financial interest in a city utility or solid waste franchises, whether by ownership, employment, contract or otherwise, shall be appointed to or serve on the Board.
- C.** Board Appointments. Board members shall be appointed by the Mayor and confirmed by the Council. Any Council member may submit recommendations to the Mayor on potential appointments to the board. Nominations shall reflect four general categories:

 - 1.** Residential Geographic Representation. The Mayor will seek nominations from neighborhood associations, district coalitions and residential customers (renters and land owners) in various City neighborhoods. Three seats shall be filled from residential geographic nominations. The Mayor will appoint members representing residential customers from each of three geographic areas within the City comprised of:

 - a.** West Portland - the area west of the Willamette River,
 - b.** Northeast/Southeast Portland - the area east of the Willamette River and west of Interstate 205, and
 - c.** East Portland - the area east of Interstate 205.
 - 2.** Public Interest Advocacy. The Mayor will seek nominations from organizations working to support low and moderate income issues, environmental concerns, senior, fixed income and special needs populations. Two seats shall be filled from public interest advocacy nominations. The council will strive to create diversity in making nominations for these two seats.

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3. Large Commercial/Industrial Businesses: The Mayor will seek nominations from businesses which have a current industrial discharge permit, discharge at least 10,000 gallons per day of waste-water to the sewer system, or use 10,000 cubic feet of water per month. One seat shall be filled from commercial/industrial business nominations.
 4. Local Businesses: The Mayor will seek nominations from businesses headquartered in the City that predominantly serve Portland-area residents. Retail, service or neighborhood businesses, and those not otherwise meeting the Large Commercial/Industrial category criteria, are eligible for inclusion in this category. One seat shall be filled from local business nominations.
 5. At-Large: To provide flexibility in meeting the Board's goal of membership diversity, the Mayor will appoint one member from applications received "at-large." Any individual or any group interested in participating on the Board may submit nominations in this category. Two seats shall be filled from At-Large nominations.
- D.** Council Liaisons. Each member of the City Council may appoint one member of their staff to serve as a representative of their office to the Board. These representatives shall serve as communications contacts and shall not have voting privileges.

3.123.050 Recruitment Process.

- A.** Board positions and vacancies will be announced to local media publications and broadcasts, including local neighborhood newspapers, cable stations and radio, with a goal of widespread outreach. Nomination requests will also be sent to the city's Neighborhood Associations and District Coalition Boards, to consumer advocacy and environmental interest groups, and to Business District associations. The City's standard Boards and Commissions application form shall be used, with all nominations to be submitted to the Mayor's office.
- B.** The City's staff to the Board shall develop and keep current a list of publications to meet the requirements described in Subsection A. of this Section.
- C.** City Council members shall also seek nominations for the Board through publications or communications generated in their offices.

3.123.060 Terms.

- A.** Board members will serve, without compensation, for a term of two years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** No member may serve on the Board for more than six consecutive years. The Board shall develop a brief process and/or form for recommendations to the Mayor in regard to members desiring reappointment.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any twelve-month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.
- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.070 Standing Committees.

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board Chair, one other member of the Board, as approved by a majority vote of all Board members, and any Council liaisons to the Board will serve as the Board Executive Committee. The Executive Committee will facilitate on-going communication between the Board, the City Council, the Board staff, and the bureaus.
- C.** The Board may designate more specific roles and responsibilities for the Executive Committee and any standing committee in the Board by-laws.

3.123.080 Staffing.

The Office of Management and Finance will provide staffing for the Board, with logistical and topic-related support from the Bureau of Water Works, the Bureau of Environmental Services, the Office of Sustainable Development and other bureaus or agencies as needed.

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3.123.090 Meeting Schedule.

The Board shall meet once monthly on a regular date established in the Board by-laws. Additional meetings may be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board's Executive Committee and other standing committees will meet on an as-needed basis.

3.123.100 By-Laws.

The Board shall adopt by-laws to govern its procedures within the purposes of this chapter that shall not conflict with any portion of this ordinance and which are subject to the approval of the Commissioner in Charge of the Board. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters.

3.123.110 Annual Report and Work session.

- A.** By September 30 of each year, the Board shall prepare and submit to the Council an annual report summarizing the work performed by the Board during the previous fiscal year (July 1 through June 30). The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.

- B.** Upon the completion of each Annual Report described in Subsection 3.123.110 A. of this section, the Board shall participate in a work session with the City Council. The purpose of this work session is to present the Annual Report and to create a work plan for the upcoming year.

Chapter 3.124

PORTLAND OFFICE OF
EMERGENCY MANAGEMENT

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Office of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.

3.124.010 Definitions.

- A. “Director” shall mean the director of the Portland Office of Emergency Management.
- B. “Disaster” means an occurrence of or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural, technological or human caused event including fire, flood, earthquake, windstorm, wave action, oil spill or other contamination, radioactive incident, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile or paramilitary action, or structure failure of a dam, building or infrastructure, or other public calamity requiring emergency action.
- C. “Disaster Policy Council” is the City’s policymaking body which oversees the emergency preparedness activities of the various city bureaus, ensuring unity of purpose. This includes preparation and approval of plans, training of city employees for emergency and disaster-related functions, and related emergency preparedness activities.
- D. “Emergency” means any human caused, technological or natural event or circumstance causing or threatening: loss of life, injury to persons or property, human suffering or financial loss including but not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of petroleum products or other hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, unmanageable crisis, influx of migrants, civil disturbance, riot, sabotage and war.

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- E.** “Emergency Management Committee” shall be a committee made up of designated bureau emergency coordinators established to develop and implement plans, programs and training exercises to promote integrated disaster response efforts.

3.124.020 Portland Office of Emergency Management.

There is established by the City Council the Portland Office of Emergency Management as a part of the Mayor’s portfolio and charged with the implementation of Title 15, the Emergency Code.

3.124.030 Purpose.

The purpose of this office is to coordinate the City’s ability to address, and its long range planning for having to address, emergency situations. These efforts may be accomplished by direction from this office alone or in conjunction with plans and efforts from other City offices and bureaus, state and federal agencies and any other sources of assistance and planning.

3.124.040 Organization.

The Portland Office of Emergency Management (POEM) shall be directly responsible to the Mayor and, thereafter, to the City Council. Professional task forces, as deemed necessary by the Mayor, the Council or the POEM, as well as citizen committees, appointed by City bureau emergency management authorities and regional emergency management professionals may provide subject matter expertise in an advisory capacity to the POEM. Other City Bureaus shall provide the POEM with necessary information and assistance in the time of emergency and include, but are not limited to, the Bureau of Fire and Rescue, Police Bureau, Bureau of Water Works, Office of Transportation, Bureau of Maintenance, Bureau of Parks and Recreation, and the Bureau of Emergency Communications.

3.124.050 Director's Powers and Duties.

The Director of the Portland Office of Emergency Management shall:

- A.** Be responsible for managing the Office of Emergency Management;
- B.** Serve as the principle strategic advisor to the Mayor and Council on emergency management matters regarding the City’s preparedness and the plans for mitigation, response and recovery to and from natural and human caused emergencies;
- C.** Lead and direct the activities of the City’s Emergency Management Committee;
- D.** Oversee and participate in the coordination, development and maintenance of the City’s overall Comprehensive Emergency Management Plan;

- E.** Be responsible for integrating emergency response related activities and programs both within the City and with outside organizations and agencies;
- F.** Review and propose amendments as necessary to all existing City emergency preparedness and management plans and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.124.060 Staff and Delegation.

- A.** The Director may appoint an Assistant Director who is accountable to the Director and other personnel necessary to carry out the provisions of this chapter, when in keeping with the adopted budget for the Portland Office of Emergency Management.
- B.** The Director may delegate to his or her staff members any of the Director's duties when the Director is not available or able to perform those duties.
- C.** The Assistant Director shall succeed to all duties and responsibilities of the Director, including those specified by ordinance, when the Assistant Director is serving as the acting Director.

Chapter 3.125

DISASTER POLICY COUNCIL

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.125.010 Disaster Policy Council.
- 3.125.020 Powers and Duties.
- 3.125.030 Membership.
- 3.125.040 Staff Support to Disaster Policy Council.

3.125.010 Disaster Policy Council.

There is hereby created a Disaster Policy Council charged with providing policy oversight of integrated citywide emergency preparedness activities and initiatives.

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3.125.020 Powers and Duties.

It shall be the duty of the Disaster Policy Council, and it is empowered, to review and recommend for adoption by the City Council, all emergency, disaster and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Policy Council shall also be empowered to register volunteer disaster workers. The Disaster Policy Council shall meet biannually or upon call of the Mayor, or in his/her absence from the City or inability to call such a meeting, upon call of the vice chair.

3.125.030 Membership.

The Disaster Policy Council shall consist of the following members:

- A.** The Mayor, who shall be Chair;
- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** City Attorney;
- D.** Chief of Portland Police Bureau;
- E.** Chief of Portland Fire & Rescue;
- F.** Director, Portland Office of Emergency Management;
- G.** Director, Bureau of Emergency Communications;
- H.** Director, Portland Office of Transportation;
- I.** Director, Bureau of Maintenance;
- J.** Chief Administrative Officer;
- K.** Director of Human Resources;
- L.** Director, Bureau of Technology Services;
- M.** Director, Bureau of Development Services;
- N.** Director, Bureau of Environmental Services;
- O.** Director of Facilities Services;
- P.** Director, Bureau of Parks & Recreation; and

Q. Director, Bureau of Water Works.

3.125.040 Staff Support to Disaster Policy Council.

The Portland Office of Emergency Management shall provide staff support to the Disaster Policy Council including meeting schedules, agendas and minutes.

Chapter 3.126

EMERGENCY MANAGEMENT COMMITTEE

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.126.010 Powers and Duties of the Emergency Management Committee.
- 3.126.020 Emergency Management Committee Chair.
- 3.126.030 Membership.
- 3.126.040 Staff Support to Emergency Management Committee.

3.126.010 Powers and Duties of the Emergency Management Committee.

There is hereby created an Emergency Management Committee made up of designated bureau emergency coordinators charged with developing and, after approval by the Disaster Policy Council and City Council, as appropriate, implementing plans, programs and training exercises to promote integrated disaster response efforts. The Emergency Management Committee will provide operational direction for implementation of the programs and policies established by the Disaster Policy Council.

3.126.020 Emergency Management Committee Chair.

The Emergency Management Committee shall be chaired by the Director, Portland Office of Emergency Management, or in his/her absence by the Assistant Director, POEM. The Emergency Management Committee shall meet quarterly or upon call of the Chair, or in his/her absence from the City, upon call of the Assistant Director, POEM.

3.126.030 Membership.

The Emergency Management Committee shall consist of designated bureau emergency coordinators. Emergency coordinators shall be designated by bureau directors and shall be senior managers who are knowledgeable about their respective bureau mission and

**TITLE 3
ADMINISTRATION**

operations. Bureau directors shall be responsible for notifying the Portland Office of Emergency Management if there is a change in their designated bureau emergency coordinator.

3.126.040 Staff Support to Emergency Management Committee.

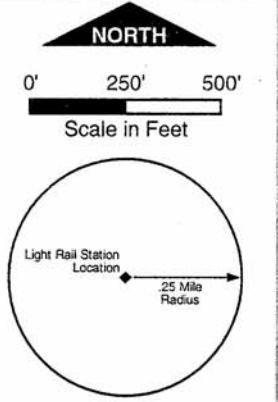
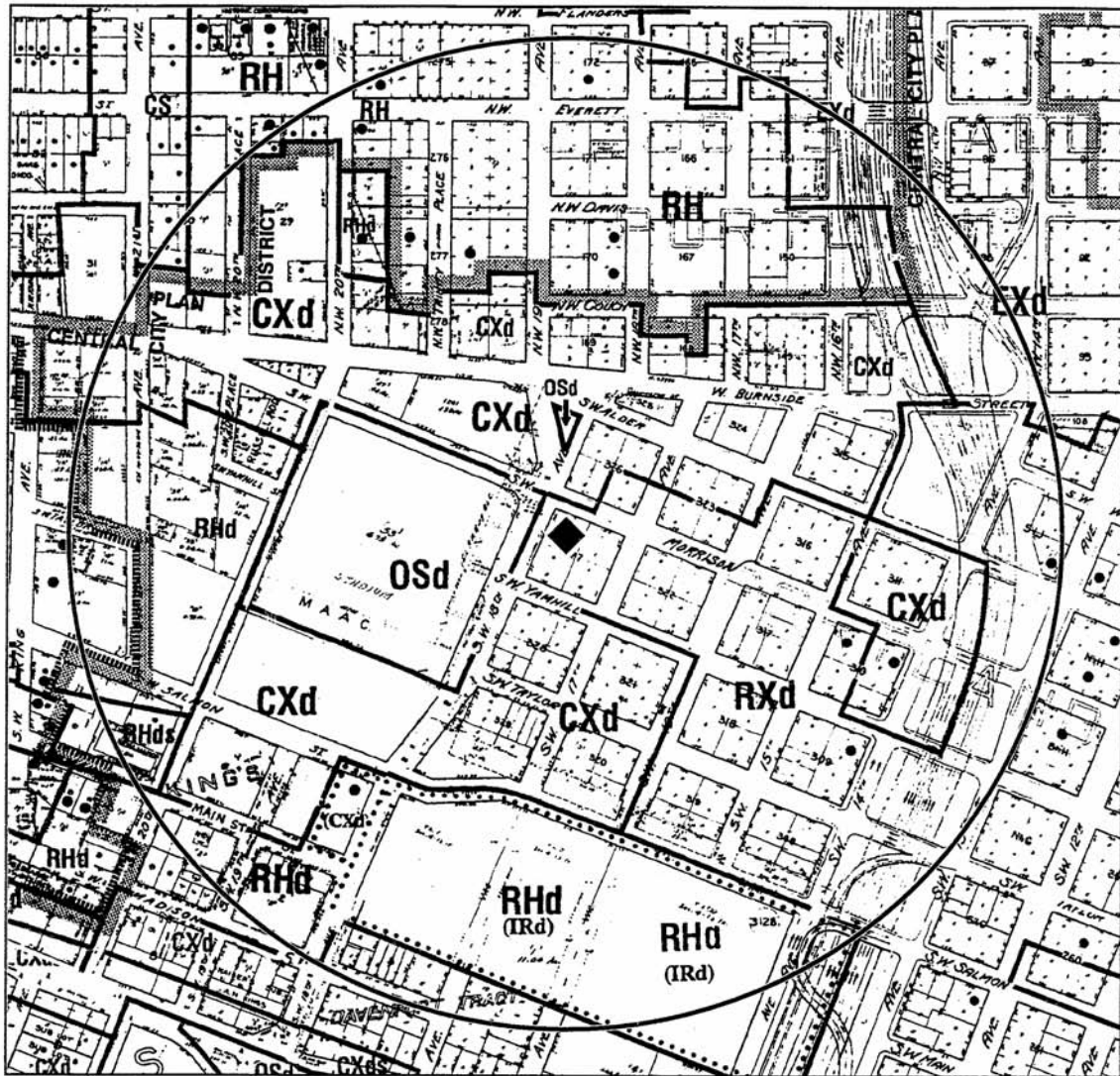
The Portland Office of Emergency Management shall provide staff support to the Emergency Management Committee.

POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT
City of Portland, Oregon
DEPARTMENT OF FINANCE AND ADMINISTRATION
Bureau of Police

<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

FIGURE 1 - (Section 3.20.130)

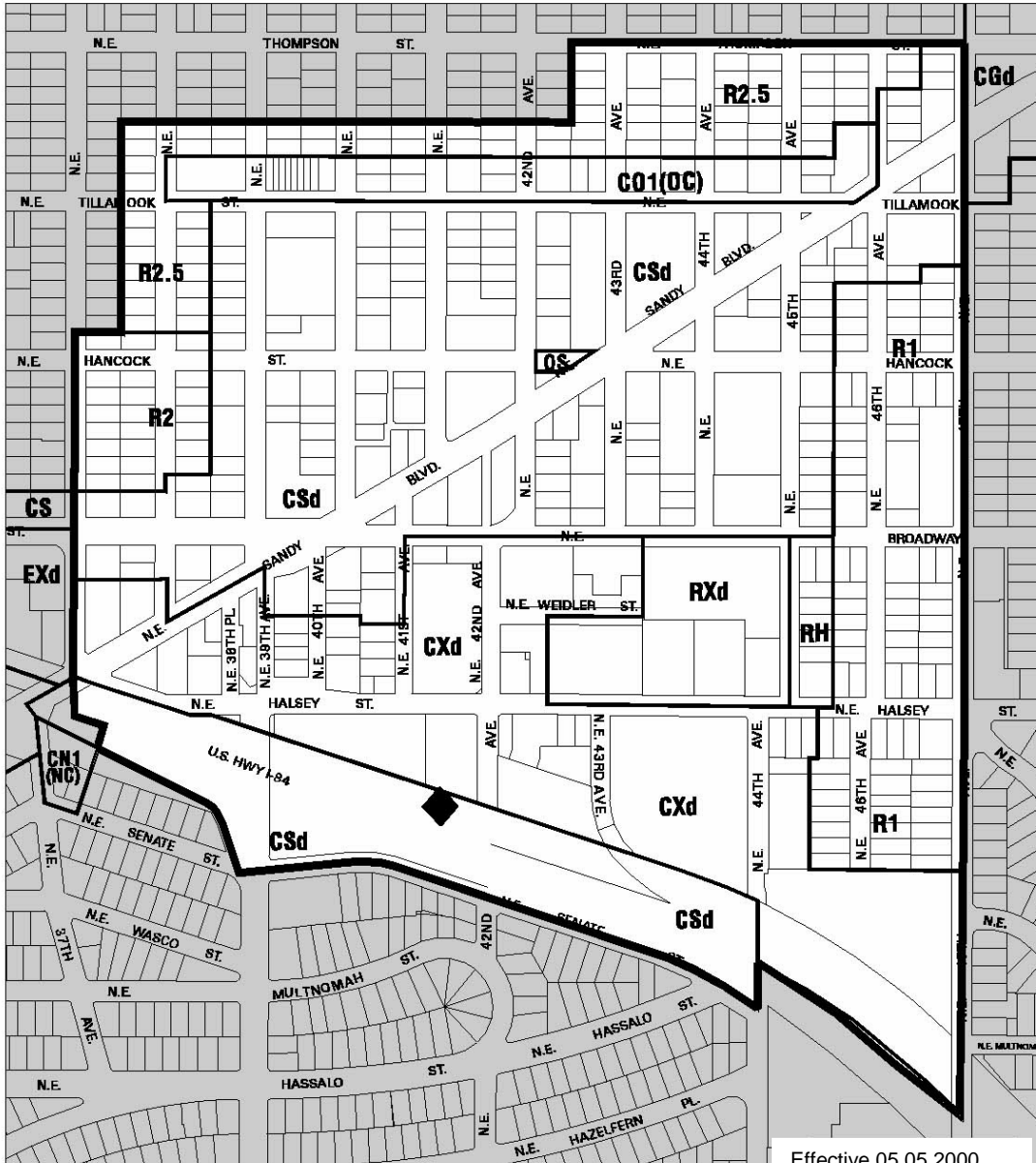
TITLE 3
ADMINISTRATION



Map 3.103-1
**Property Tax Exemption for New
Transit Supportive Residential
or Mixed Use Development**
Goose Hollow Light Rail Station Area

GTS/Graphics 10-9-96

Bureau of Planning • City of Portland, Oregon



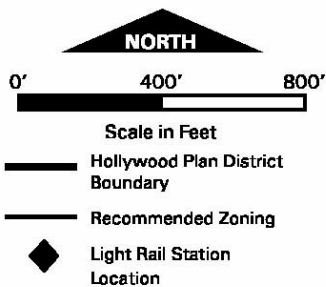
Effective 05.05.2000

Map 3.103-2

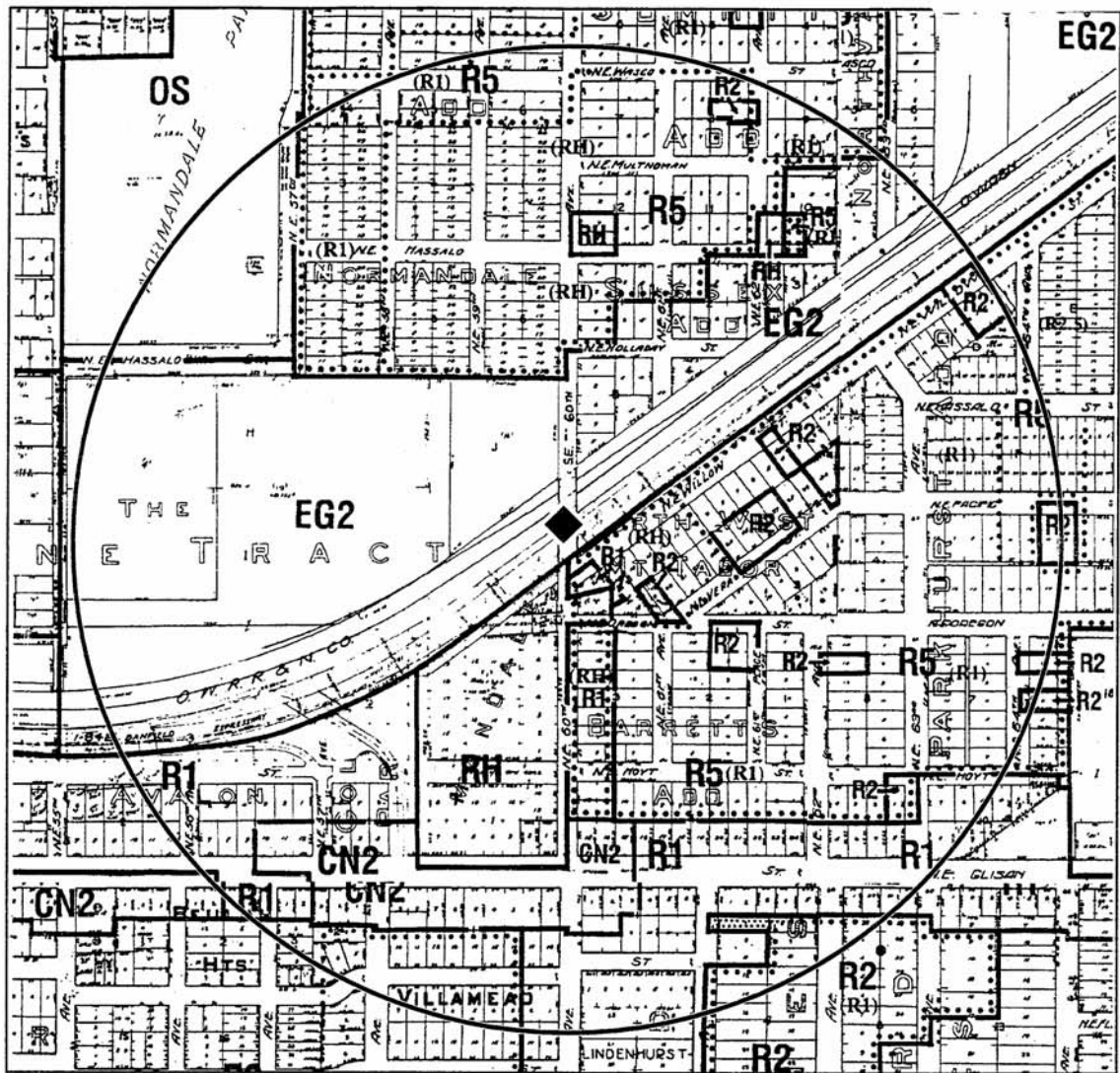
**Property Tax Exemption for New
Transit Supportive Residential
or Mixed Use Development**

Hollywood/42nd Avenue Light Rail Station Area

Bureau of Planning • City of Portland, Oregon



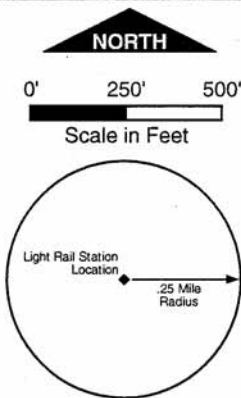
**TITLE 3
ADMINISTRATION**



Map 3.103-3

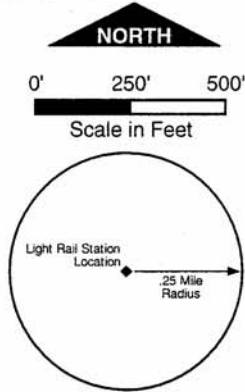
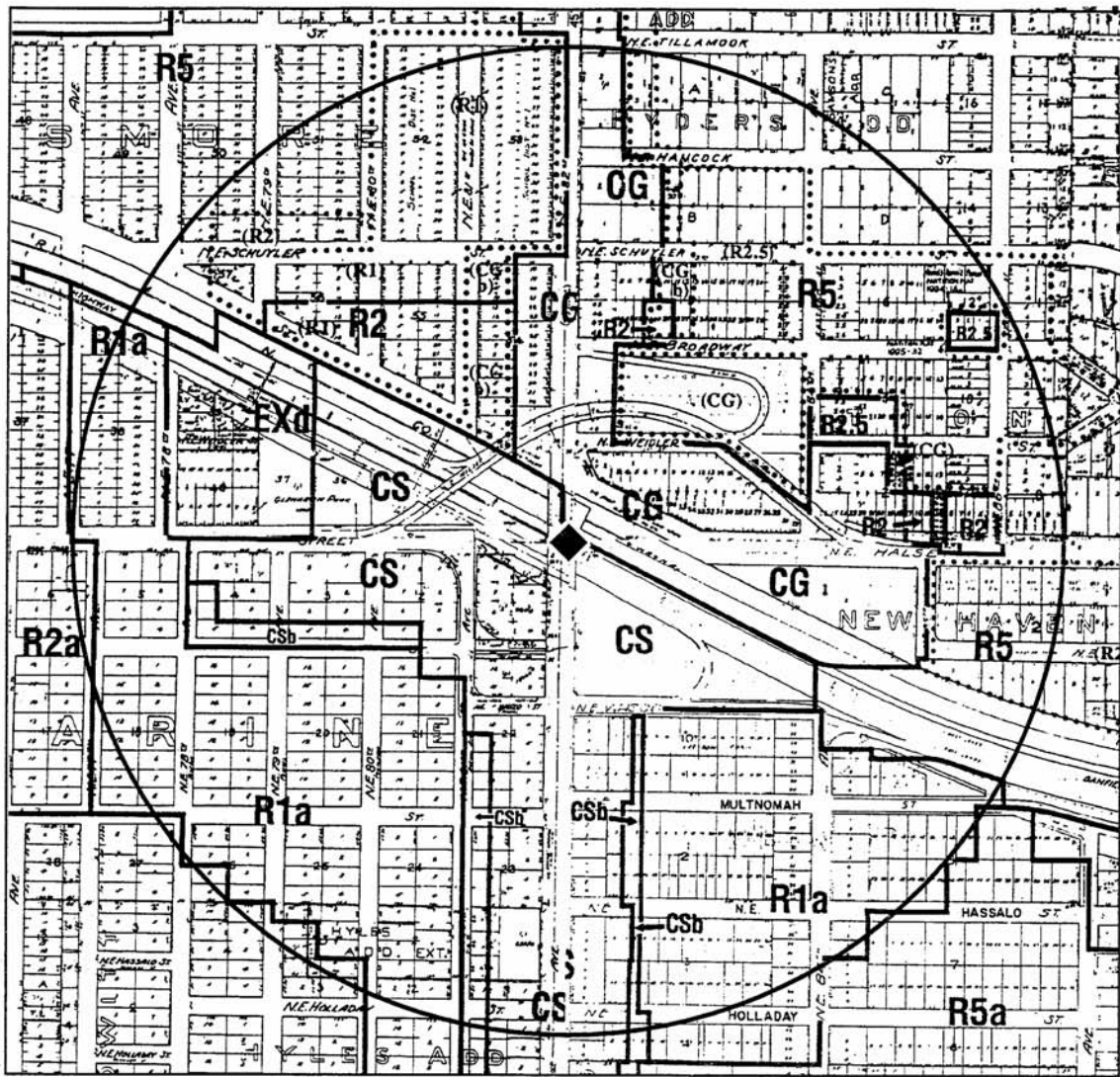
**Property Tax Exemption for New
Transit Supportive Residential
or Mixed Use Development**

60th Avenue Light Rail Station Area



GTS/Graphics 10-9-96

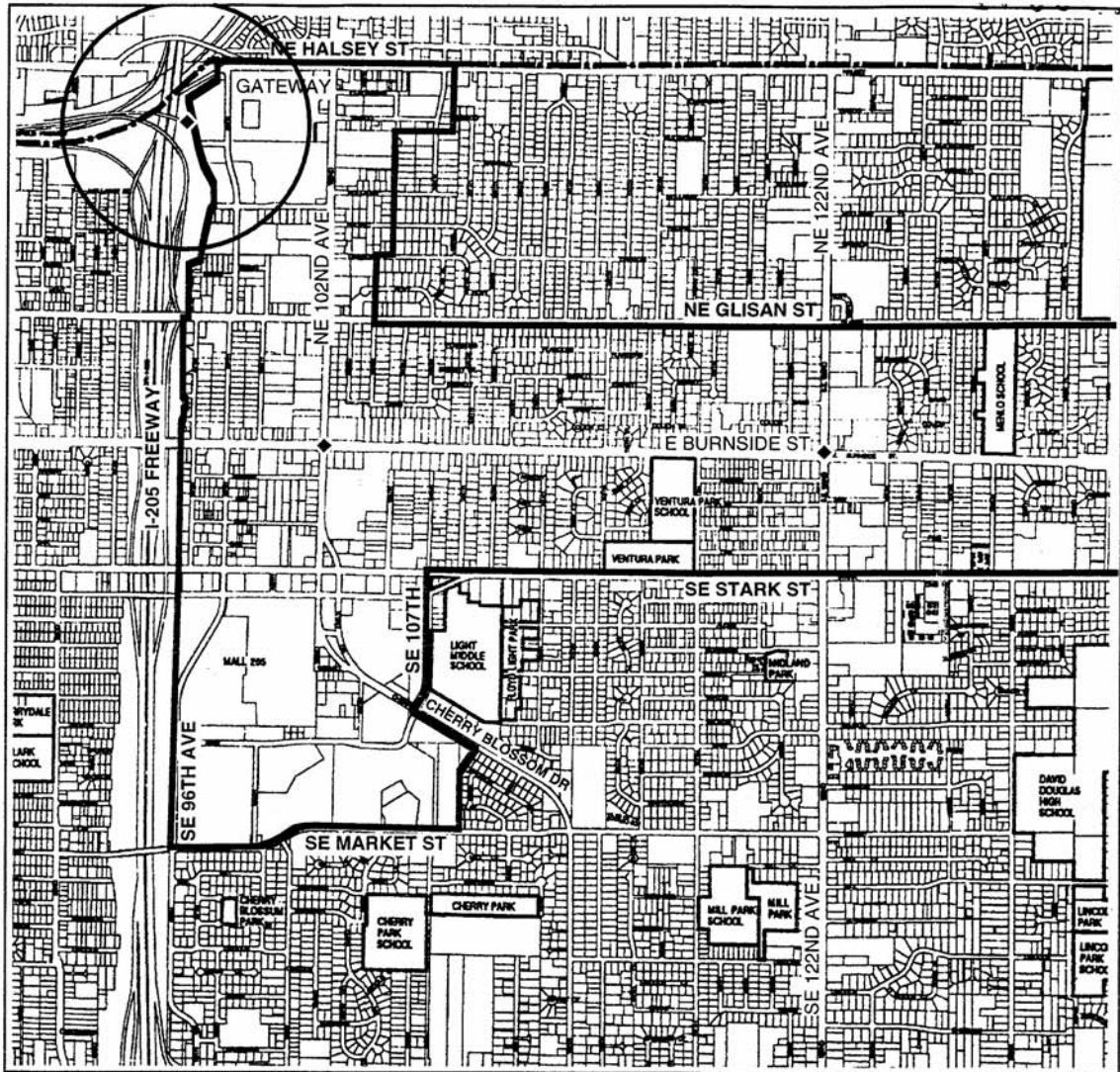
Bureau of Planning • City of Portland, Oregon



Map 3.103-4
**Property Tax Exemption for New
Transit Supportive Residential
or Mixed Use Development**
82nd Avenue Light Rail Station Area

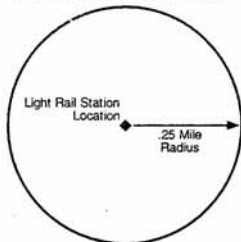
GTS/Graphics 10-9-96

**TITLE 3
ADMINISTRATION**



Scale in Feet

Plan District Boundary



GTS/Graphics 10-15-96

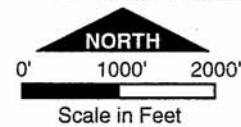
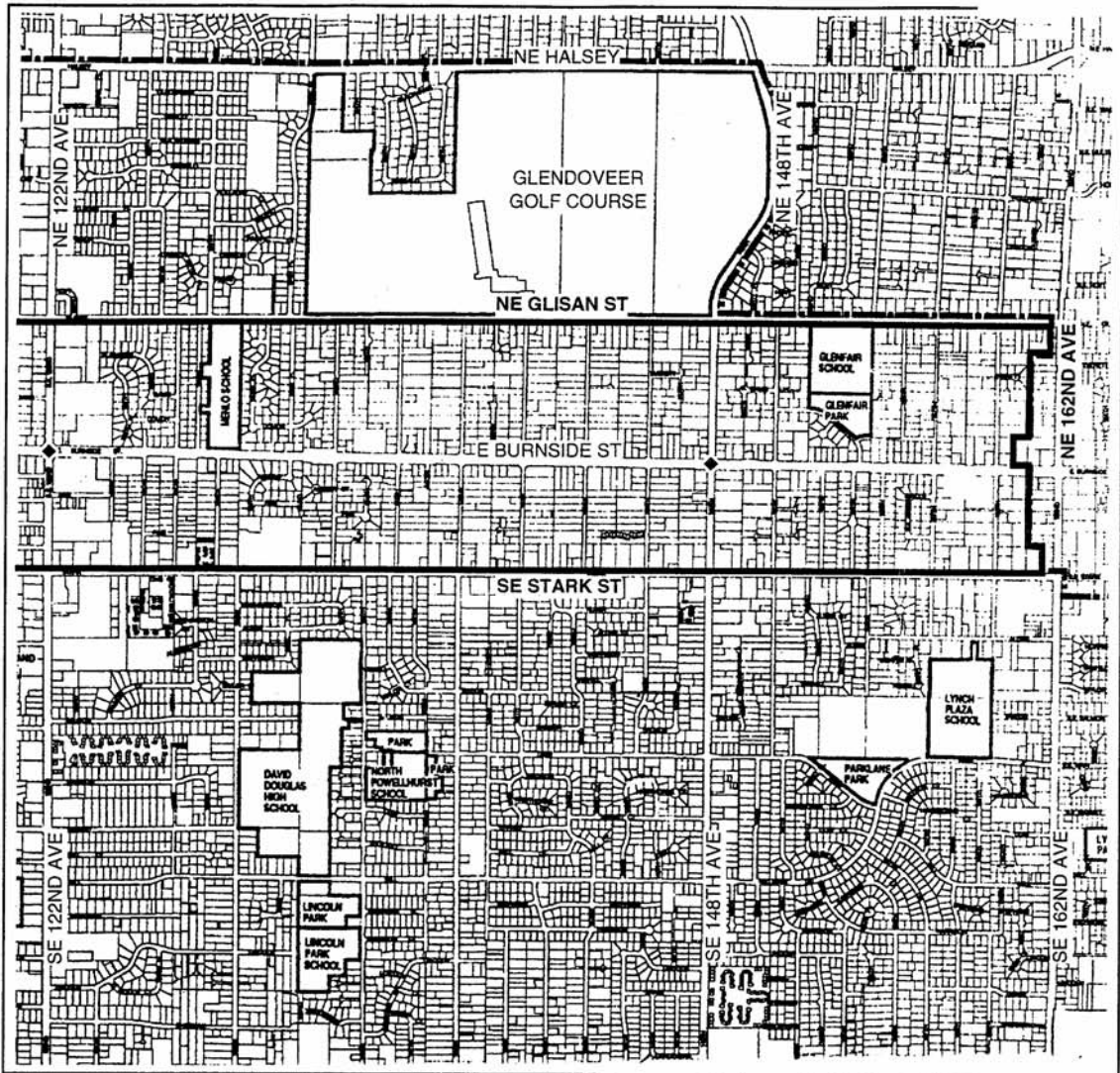
Map 3.103-5

**Property Tax Exemption for New
Transit Supportive Residential
or Mixed Use Development**

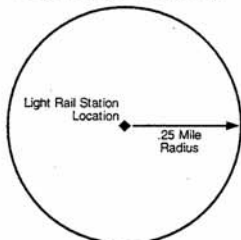
**Gateway Plan District Light Rail
Station Areas and Transit Oriented Areas**

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



Plan District Boundary



GTS/Graphics 10-15-96

Map 3.103-5

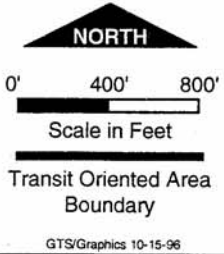
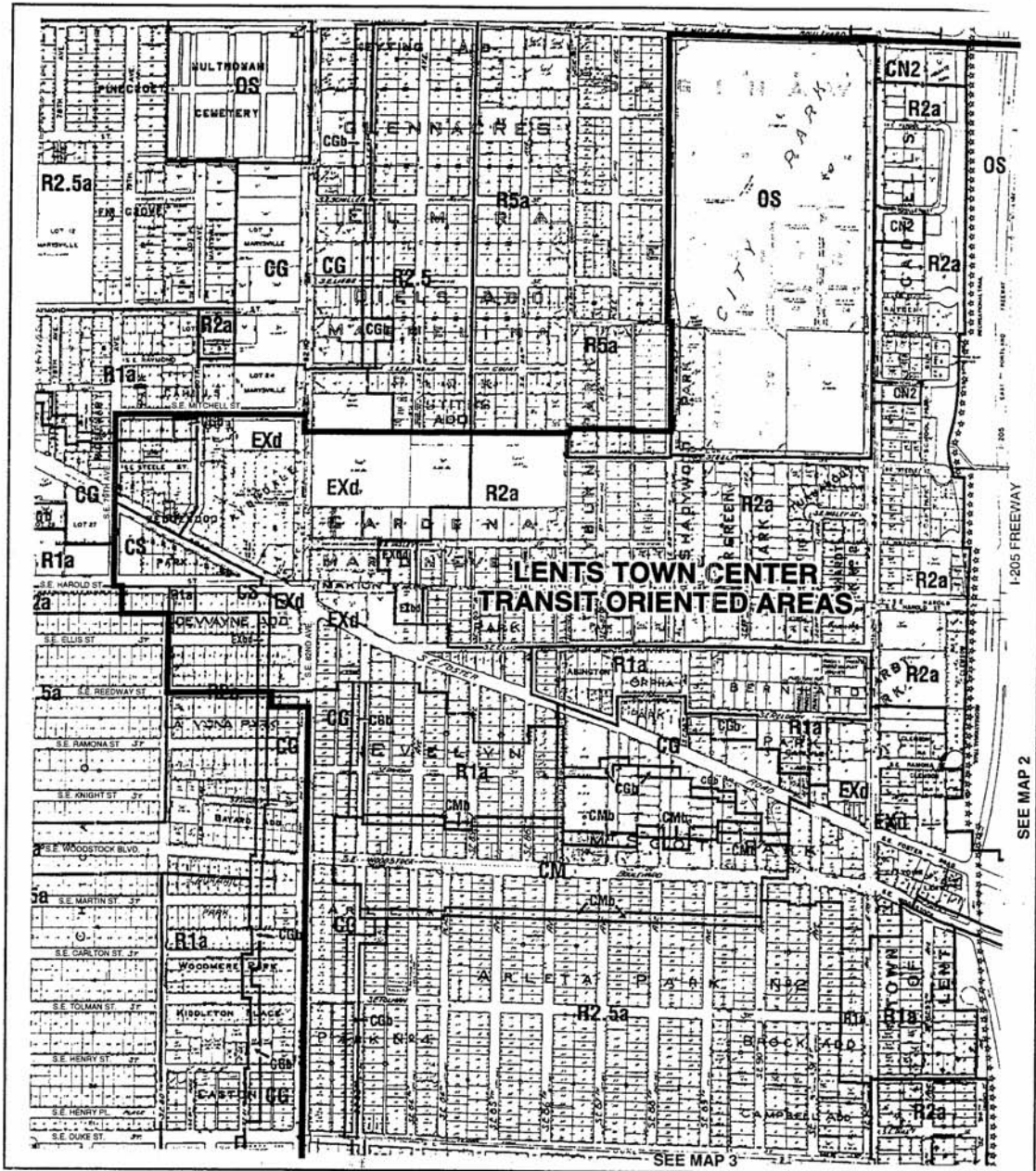
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Gateway Plan District Light Rail Station Areas and Transit Oriented Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

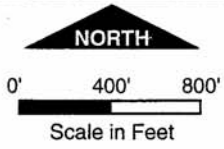
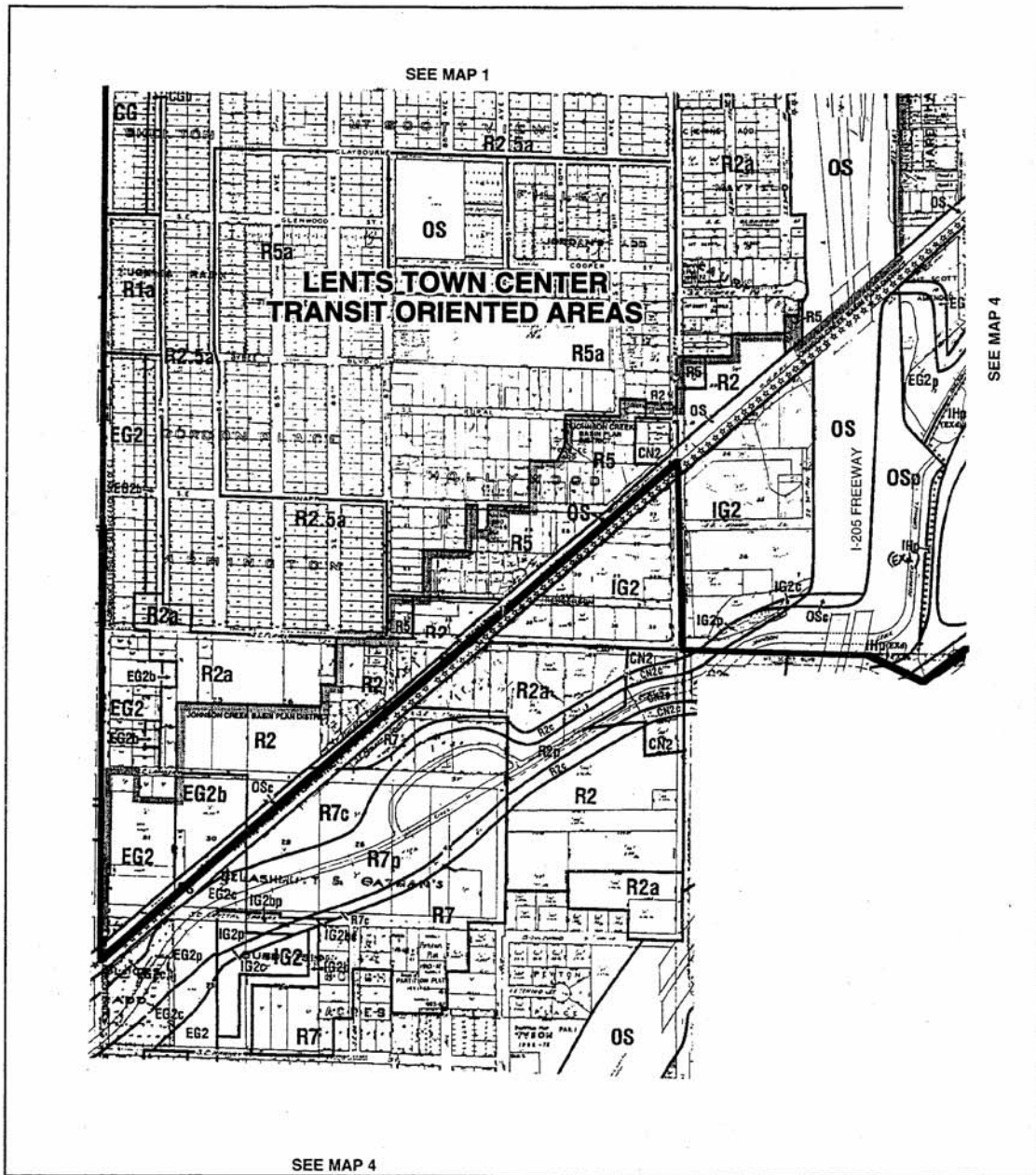
**TITLE 3
ADMINISTRATION**



**Map 3.103-6
Lents Town Center
Transit Oriented Areas
Map 1 of 4**

Bureau of Planning • City of Portland, Oregon

**TITLE 3
ADMINISTRATION**



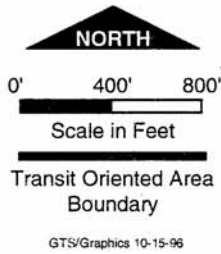
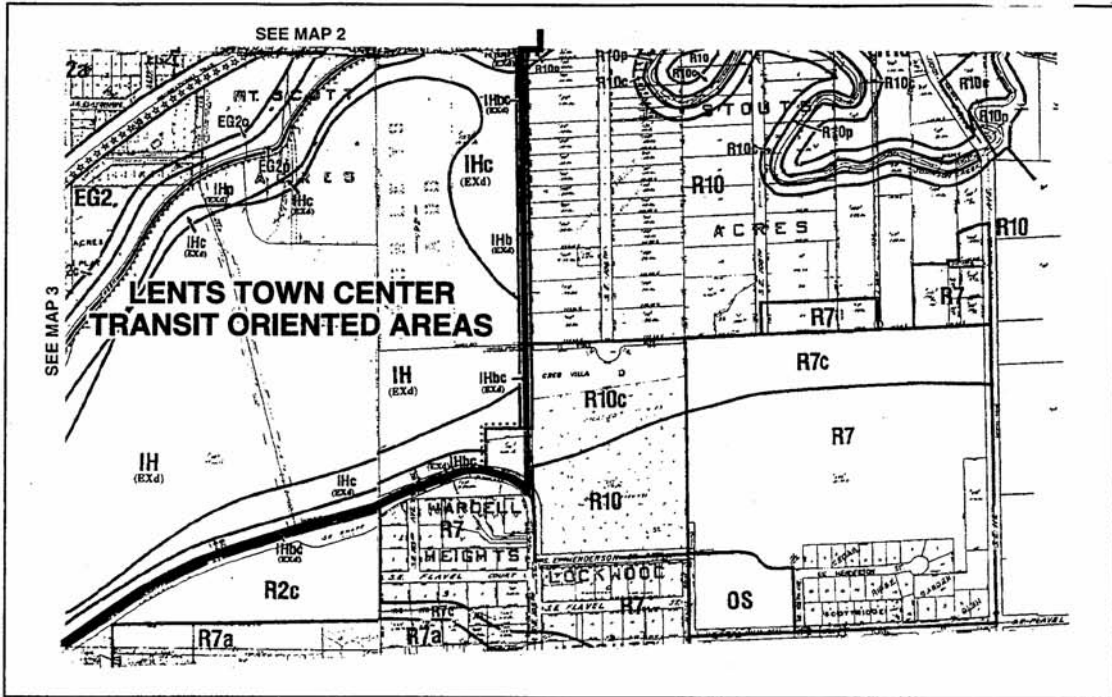
Transit Oriented Area
Boundary

GTS/Graphics 10-15-96

**Map 3.103-6
Lents Town Center
Transit Oriented Areas**

Map 3 of 4

Bureau of Planning • City of Portland, Oregon

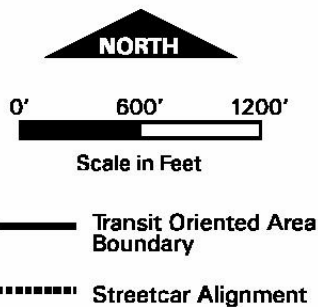
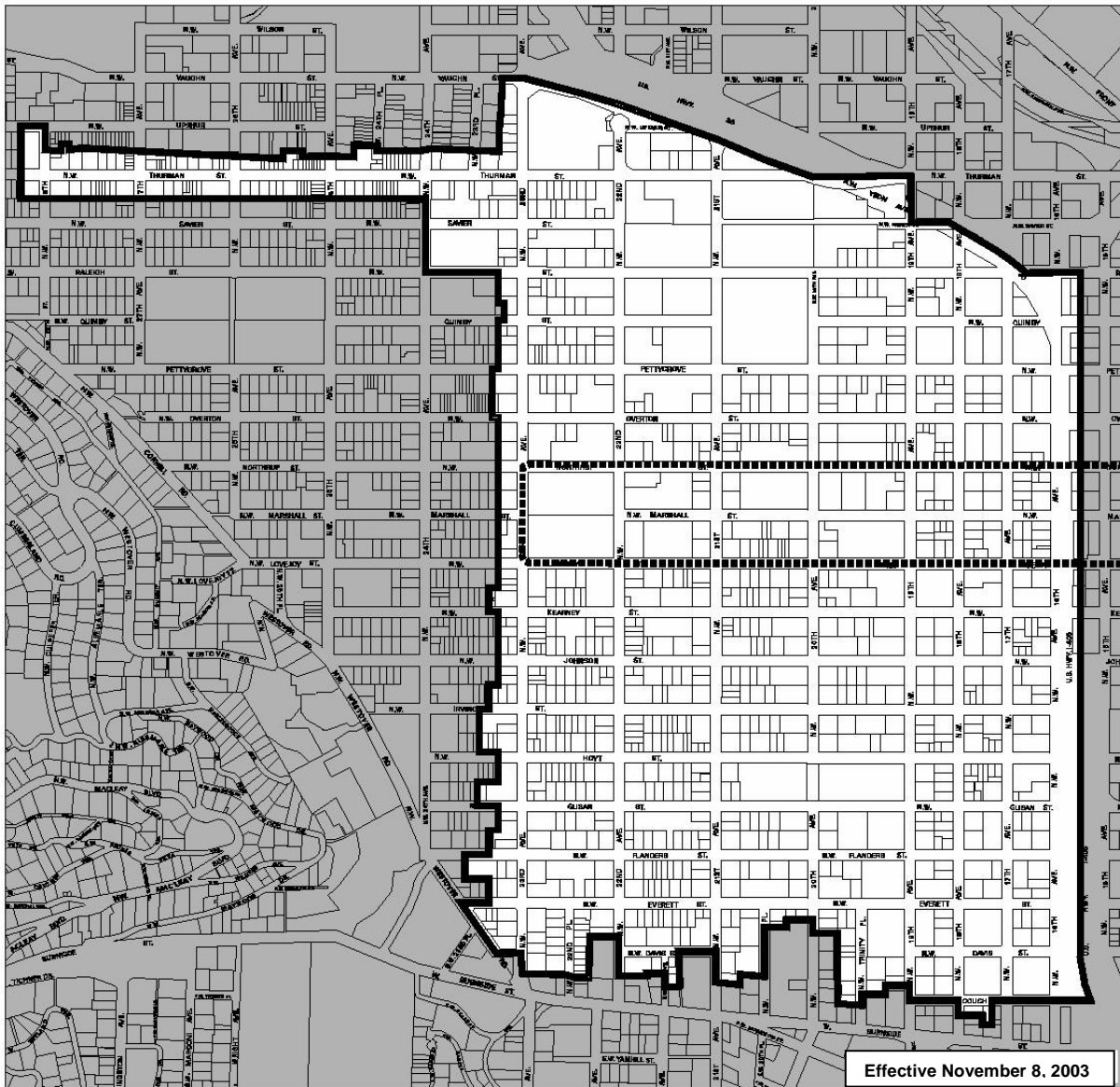


Map 3.103-6
**Lents Town Center
Transit Oriented Areas**

Map 4 of 4

Bureau of Planning • City of Portland, Oregon

**TITLE 3
ADMINISTRATION**



**Map 3.103-7
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Northwest Plan District

Bureau of Planning • City of Portland, Oregon