

ORDINANCE No. 189390

*Create the Portland Clean Energy Community Benefits Fund (Ordinance; add Code Section 5.04.560)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Clean Energy Community Benefits Fund (Fund) is the result of Ballot Measure 26-201 that was passed by Portland voters in November 2018.
2. Measure 26-201 is the first time a Portland environmental ballot measure was led by communities on the frontlines of climate change, including low income communities and communities of color.
3. This ordinance requires large retailers to pay a surcharge of one percent (1%) on retail gross revenues in Portland.
4. The purpose of the Fund is to provide a consistent long-term funding source to ensure that the City of Portland's Climate Action Plan is implemented in a manner that supports social, economic and environmental benefits for all Portlanders, including the development of a diverse and well-trained workforce and contractor pool in the field of clean energy.
5. Revenues raised through this business surcharge on large retailers are to be deposited into a separate fund designated as the "Portland Clean Energy Community Benefits Fund."
6. According to the measure passed in November 2018, reasonably necessary expenses incurred in calendar years 2019 and 2020 for the purpose of putting systems in place to administer the Fund and establish the program framework are to be paid for through the Fund. For this reason, and to prepare for collection of the surcharge, there is a need for prompt action to create this Fund.
7. The Fund will be overseen by the Portland Clean Energy Community Benefits Committee, made up of experts and community members to (1) make funding recommendations to the Mayor and City Council; and (2) evaluate the effectiveness of the Fund in achieving the goals outlined in Ballot Measure 26-201.
8. To hire program staff to design, oversee and manage the program, four new positions need to be authorized in the Portland Clean Energy Community Benefits Fund. The positions include a Program Manager, plus three program staff focusing on a) coordinating the advisory and oversight committee, b) community outreach and capacity building, and c) performance metrics, reporting and communications.

9. The authorization of these four staff positions will enable recruitment processes to immediately get underway so that staff are in place in a timely manner to advance the work needed for a successful launch of the program by mid-2020.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 5.04 is amended by adding a new section as follows:

5.04.560 Portland Clean Energy Community Benefits Fund

The Portland Clean Energy Community Benefits Fund is hereby created to track the transactions related to financing programs funded by the Clean Energy Surcharge (CES) approved by Portland voters through Ballot Measure 26-201 in November 2018 and codified in Portland City Code Chapter 7.02 and Chapter 7.07.

A separate Climate Transportation Investment subfund shall be established to deposit any proceeds deemed to constitute revenues described in Article IX, section 3a, of the Oregon Constitution.

- b. The Fund Statement of Purpose for the Portland Clean Energy Community Benefits Fund included as Exhibit A is hereby adopted. The action to adopt the Fund Statement of Purpose contained in this ordinance is binding City policy.
- c. The Portland Clean Energy Community Benefits Fund be added to the City's financial system:

PORTLAND CLEAN ENERGY COMMUNITY BENEFITS FUND

Fund - 229
Business Area – PN

- d. The Bureau of Planning and Sustainability to bring forth a budget request in the Spring Budget Monitoring Process (BMP) equal to what it believes it will spend in staffing, materials and services by the end of FY 2018-19, and request that amount from General Fund contingency.
- e. The number of authorized positions in the FY 2018-19 Revised Budget is hereby amended to include the following new positions:

Bureau of Planning and Sustainability
Fund – 229
Business Area – PN
Authorized FTE – 4.0
Position Types – Regular

Adding these positions will bring total authorized positions in the City to 6691.6 FTE.

- f. All reasonably necessary program-related expenses covered by the Solid Waste Management Fund and the General Fund in FY 2018-19 and FY 2019-20 will be reimbursed from the Clean Energy Community Benefits Fund in FY 2019-20.

Section 2. The Council declares that an emergency exists in order that design and development of the Portland Clean Energy Community Benefits Program can begin without delay; therefore, this ordinance shall be in full force and effect upon passage.

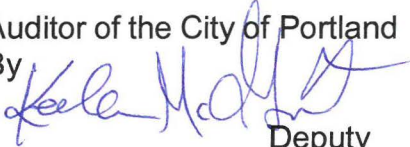
Passed by the Council: FEB 21 2019

Mayor Ted Wheeler
Prepared by: Michele Crim/Amanda Watson
Date Prepared: February 11, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>FEB 12 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler	Mary Hull Caballero Auditor of the City of Portland By: _____ Deputy ACTION TAKEN:
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
BUREAU APPROVAL Bureau: Mayor Ted Wheeler Bureau Head: Mayor Ted Wheeler	
Prepared by: Amanda Watson Date Prepared: 2/8/19	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
✓ City Auditor Office Approval: required for Code Ordinances	
✓ City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 2/21/19	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 3:30 PM Total amount of time needed: 1 hour (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	_____	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	