

ORDINANCE No. 189794

*Amend City Code related to the administration of the Portland Clean Energy Community Benefits Initiative (Ordinance; amend Code Chapter 7.02 and 7.07)

The City of Portland ordains:

Section 1. The Council finds:

1. At the November 6, 2018 general election, Portland voters approved Ballot Measure 26-201, the Portland Clean Energy Community Benefits Initiative (“the Measure”) with a 65% yes vote. The Measure imposes a 1% surcharge on the retail sales within Portland of certain large retailers to fund clean energy projects and jobs training. The Measure amended City Code to require Portland retailers with total annual retail revenue over \$1 billion and Portland annual retail revenue over \$500,000 to pay a 1% surcharge on gross revenue from retail sales within Portland.
2. City Council voted on and approved Ordinance No. 189389, adopting the Measure with administrative housekeeping adjustments recommended by the Revenue Division, on February 21, 2019.
3. After the passage of Ordinance 189389, Portland Clean Energy Fund stakeholders and City officials met to discuss changes to the Measure.
4. Changes to Code Chapter 7.02 included in this Ordinance are to adopt these changes to the Measure. These amendments include a change to the definition of Large Retailer to exclude construction and to provide additional exemptions for the sales of “Qualified Retirement Plans,” and “Qualified Residential Garbage and Recycling Services” from the calculation of Retail Gross Revenue.
5. The primary need for minor housekeeping changes to Chapter 7.07 included in this Ordinance is to include language from the Measure that was inadvertently excluded in the creation of this Chapter.
6. An additional change to Chapter 7.07 is being made to extend the timeline for the grace period from the 5% administrative cost cap for the program due to staff and the PCEF committee not being approved until late 2019. This change to the 5% administration cost cap grace period is to extend it from calendar years 2019 and 2020 to fiscal years ending June 2020, June 2021 and June 2022.

NOW, THEREFORE, The Council directs:

- a. City Code Section 7.02 is amended as set forth in the attached EXHIBIT A.
- b. City Code Section 7.07 is amended as set forth in the attached EXHIBIT B.

Section 2. The Council declares an emergency exists because timely City approval of the amendments to the Portland Clean Energy Community Benefits Initiative is necessary to allow businesses subject to the Clean Energy Surcharge to have further guidance as the deadlines for filing and paying their Clean Energy Surcharge liability are approaching; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 12 2019

Mayor Ted Wheeler
Prepared by: Matthew Thorup
Date Prepared: December 4, 2019

Mary Hull Caballero
Auditor of the City of Portland

By 

Deputy

Agenda No. 1157

Item Type: Ordinance No. 189794

Council Meeting Date: December 12, 2019

Title: *Amend City Code related to the administration of the Portland Clean Energy Community Benefits Initiative (Ordinance; amend Code Chapter 7.02, and ~~amend Code Chapter 7.07~~)

AGENDA TYPE

- Consent
- Regular
- Time Certain Start Time

Item 1 of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): 30 minutes

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

- Mayor - Finance & Admin. - Wheeler
- Position 1/ Utilities - Fritz
- Position 2/ Works - Fish
- Position 3/ Affairs - Hardesty
- Position 4/ Safety - Eudaly
- City Auditor - Hull Caballero

BUREAU APPROVALS

- Bureau: OMF/CAO
- OMF/CAO:
- Bureau Approval:

Prepared By: Matthew Thorup

Date Prepared: November 12, 2019

1) Is a completed Impact Statement attached? Yes

2) Does the item amend the budget? Yes No
If yes, **Budget Office** Approval

3) Is the item a Code ordinance? Yes No
If yes, **Auditor Office** Approval Teri

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? Yes No
If yes, **Attorney Office** Approval Am

5a) Is item a Portland Policy Document or Administrative Rule? Yes No

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? Yes No

ACTION TAKEN:

CLERK USE: DATE FILED DEC 04 2019

Mary Hull Caballero
Auditor of the City of Portland

By [Signature]
Deputy

FOUR-FIFTHS AGENDA

- 1. Fritz [Signature]
- 2. Fish [Signature]
- 3. Hardesty [Signature]
- 4. Eudaly [Signature]
- Wheeler [Signature]

COMMISSIONERS VOTED AS FOLLOWS:

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Hardesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>