

Exhibit A: Chapter 7.07 Code Amendments

CHAPTER 7.07 – PORTLAND CLEAN ENERGY COMMUNITY BENEFITS

(Chapter added by Measure 26-201 (approved at November 6, 2018 election); Amended by Ordinance No. 189389, effective February 21, 2019.)

Sections:

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7.07.010 Findings.

- A. ~~The City of Portland has adopted a Climate Action Plan, which affirms numerous climate action goals. These goals affirm the importance and value of local initiatives and environmental justice; community-based development efforts to decrease carbon-greenhouse gas emissions, while also seeking to maximize; and maximizing the social, economic, social and environmental benefits of transitioning away from fossil fuels. In June 2017, in response to changed national priorities, the City reaffirmed the goals of the Climate Action Plan and established a new goal to meet 100 percent of community-wide electricity needs with clean renewable energy by 2035.~~
- B. ~~To meet the City's Climate Action Plan and 100 percent clean renewable energy goals there is an urgent need to fund and accelerate greenhouse gas emissions reductions and energy efficiencies sequestration, especially in underserved within low-income communities and communities of color.~~
- C. Climate change has a disproportionate impact on the health and financial well-being of low-income communities and communities of color.
- D. To implement the ~~Climate Action Plan~~ City's climate action goals and this Chapter, there is a critical need for more skilled workers. Members of historically disadvantaged groups, including people with disabilities, people experiencing gender or sex-based discrimination in the workplace, women, and people of color; and the chronically underemployed are under-represented in the skilled work force,

and therefore offer an enormous untapped resource to meet the City's climate action goals of the Climate Action Plan.

- E. Large retail businesses are a significant contributor to ~~carbon~~greenhouse gas emissions. They encourage consumption of heavily packaged and non-recyclable products, have carbon intensive shipping, manufacturing, and supply chain practices, and share responsibility for generating a substantial portion of the City's overall greenhouse gas emissions when customer traffic and facility operations are considered. These businesses have an inherent responsibility and the financial capacity to support the goals of this Chapter, and an incentive to remain in the City to engage in retail activities here.

7.07.020 Policy and Purpose.

(Amended by Ordinance No. 189794, effective December 12, 2019.)

- A. Based on the findings set forth above, the purpose of this Chapter is to provide a consistent long-term funding source and oversight structure to ~~ensure~~invest in climate action projects that ~~the City of Portland's Climate Action Plan is implemented in a manner that supports~~ support environmental justice and 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~~to perform work that reduces or sequesters greenhouse gases.
- B. This Chapter requires large retailers (those with gross revenues nationally exceeding \$1 billion, and \$500,000,000 in Portland) to pay a surcharge of 1 percent on gross revenues from retail sales in Portland, excluding basic groceries, medicines, and health care services, in accordance with Subsection 7.02.500 F.
- ~~C. Revenues raised through this business surcharge on Large Retailers will be deposited into a separate fund designated as the "Portland Clean Energy Community Benefits Fund." The money in this fund will be used to finance programs that meet the following priorities:~~
 - ~~1. Clean Energy Projects.~~
 - ~~a. Renewable energy and energy efficiency projects, with an emphasis on those that benefit low income individuals and that broaden access to energy efficiency and clean renewable energy infrastructure to low income communities and communities of color;~~
 - ~~b. Regenerative agriculture and green infrastructure projects that result in sequestration of greenhouse gases and support sustainable local food production.~~
 - ~~2. Clean Energy Jobs Training. Job training, apprenticeship programs, and contractor support initiatives that prioritize skills training and workforce development for economically disadvantaged and traditionally underemployed workers, including communities of color, women, persons with~~

disabilities, and the chronically underemployed.

~~3. Priority will be given to programs that both reduce greenhouse gases and promote economic, social, and environmental benefits.~~

~~D. This Chapter creates a “Portland Clean Energy Community Benefits Committee (“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 of this Chapter, as set forth in Subsection A.~~

7.07.030 Definitions.

Unless otherwise defined in this Section, terms that are defined in ~~Portland’s~~the City’s Business License Law, Chapter 7.02 of the Portland City Code, ~~shall~~ have the meanings provided therein.

~~A.~~ “Administrative expenses” means the salaries and benefits of Program staff; Committee management; planning, developing, and designing the Program; public outreach and communication; preparing solicitations; monitoring, evaluating, and reporting on Program activities; coordinating with local, state, and federal officials; official travel; accounting services; rental and purchase of equipment, utilities, and office supplies; and other overhead.

~~A.B.~~ “City” means the City of Portland.

~~B.C.~~ “Clean renewable energy” means energy that is not produced from fossil fuels or nuclear power and which is produced from sun, wind, water, or other sources of renewable energy as identified by the City of Portland. In-river hydropower projects that harm or have the potential to harm salmonids or other aquatic species, or Native American or other communities that rely on such species ~~shall, are not be~~ are not be appropriate for support under this Chapter.

~~C.D.~~ “Climate Investment Plan” means a 5-year plan, regardless of the document’s name, recommended by the Committee and adopted by City Council that sets funding priorities and funding levels in accordance with the purpose of this Chapter and the funding categories in Section 7.07.060. The Plan may further refine eligibility for grants and contracts under the funding categories. The Plan includes funding levels for community responsive grants, strategic initiatives, and the Green Infrastructure Maintenance Reserve.

~~E.~~ “Community responsive grant” means a grant to address one or more of the funding categories in Section 7.07.060 that is awarded to a qualified organization after a competitive, transparent process.

~~F.~~ “Director” means the Director of the City’s Bureau of Planning and Sustainability or the Director’s authorized representative, designee or agent.

G. “Energy ~~Efficiency~~efficiency” means a measure of how efficiently an appliance, building, ~~or organization or country~~ uses energy. Examples of projects designed to increase energy efficiency include, but are not limited to:

1. ~~heating~~Heating, lighting water and cooling efficiencies;
2. ~~repairs~~Repairs to increase the performance of the building envelope;
3. ~~community~~Community-initiated energy plans;
4. ~~energy~~Energy storage; and
5. ~~green~~Green building design.

D.H. “Greenhouse gas reduction ~~projects~~project” means a project implemented within the City ~~of Portland~~ that reduces emissions or the presence of carbon dioxide or other compounds that contribute to climate change.

E.I. “Greenhouse gas sequestration project” means a project that involves long-term storage of carbon dioxide or other pollutants to mitigate or defer global warming. Examples include but are not limited to:

1. ~~protections~~Protection and restoration of urban tree canopy;
2. ~~protection~~Protection and restoration of greenspace and wetlands; and
3. ~~agricultural~~Agricultural practices that increase the capacity of the soil to store carbon by rebuilding soil organic matter and restoring degraded soil biodiversity, also referred to known as “regenerative agriculture.”

J. “Green Infrastructure Maintenance Reserve” means an annual allocation from the Fund to support the long-term maintenance of green infrastructure in a manner defined in the Climate Investment Plan.

K. ~~F.~~ “Green infrastructure project” means a project that uses vegetation, soils, and other elements and practices to restore some of the natural processes required to reduce greenhouse gases while also benefiting water quality and creating healthier urban environments. Examples include but are not limited to:

1. ~~urban~~Urban tree canopy;
2. ~~green~~Green roofs;
3. ~~greenspace~~Greenspace protection;
4. ~~bioswales~~Bioswales; and
5. ~~green~~Green streets.

- ~~G. “Program[s]” means an organized effort by a qualified non-profit organization to achieve greenhouse gas reduction outcomes in a framework that delivers the related social justice outcomes identified in this Chapter. The qualified non-profit can apply solely or in partnership with other non-profit entities, government entities or for-profit businesses. These programs will be the primary way funds collected under this Chapter are distributed from the City to achieve the goals of the Chapter.~~
- H.L.** “Non-profit organization” means any organization recognized by the Internal Revenue Service (“IRS”) under Sections 501 and 521(a) of the Internal Revenue Code, in addition to other tax-exempt entities recognized by the IRS, such as schools.
- ~~I. “Regenerative agriculture” means farming and land management practices that reverse climate change by rebuilding soil organic matter and restoring degraded soil biodiversity.~~
- M.** “Portland Clean Energy Community Benefits Fund Program” or “Program” means the City program designed to effectively meet the purpose of this Chapter.
- N.** “Priority populations” means low-income communities and communities of color.
- O.** “Project” or “projects” means an organized effort with measurable outcomes and goals aligned with the categories in Section 7.07.060. These projects are the primary way funds collected under this Chapter are distributed to achieve the purpose of the Chapter.
- P.** “Qualified business” means a for-profit business.
- Q.** “Qualified organization” means a non-profit organization or government entity.
- R.** “Strategic initiative” means an organized effort to address a specific community need or opportunity that is aligned with the categories in Section 7.07.060 and that has measurable outcomes, goals and budget that is set in the Climate Investment Plan.
- S.** “Workforce priority populations” means people with disabilities, people experiencing gender or sex-based discrimination in the workplace, women and people of color.

7.07.033 Authority of Director.

- A.** The Director is authorized to administer and enforce the provisions of this Chapter.
- B.** Authority granted to the Director may be delegated, in writing, to employees or duly authorized agents of the Program.
- C.** The Director may, upon request, issue written interpretations of how this Chapter applies in general or to specific circumstances.

D. The Director is authorized to adopt, amend and repeal rules, procedures and forms to implement the provisions of this Chapter.

1. Before adopting, amending or repealing a rule, the Director must notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Program's website, must be published at least 4 weeks before the close of the public comment period. The notice must include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.
2. During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Program's website.
3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 calendar days. The Director may extend the interim rule past the 180 calendar days for good cause, as determined in the Director's sole discretion.

7.07.035 Surcharge Collection and Enforcement.

(Added by Ordinance No. 189794, effective December 12, 2019.)

- A. The Revenue Division of the City of ~~Portland shall administer and enforce~~ administers and enforces collection of the Clean Energy Surcharge. The Division may adopt rules as necessary to implement the goals and purposes of Subsection 7.02.500 F, consistent with the processes provided in Section 7.02.210.
- B. The Division ~~shall within 6 months of November 6, 2018 prepare a list of businesses it is aware of that meet the definition of Large Retailer and notify such businesses of their obligations under Subsection 7.02.500 F.~~
- C. ~~The Division~~ may recover all reasonable costs for such work from the ~~Portland Clean Energy Community Benefits Fund~~ and such costs will not be considered part of the ~~Fund~~ Fund's administrative cost expenses.
- D.C. Should any proceeds under Subsection 7.02.500 F. be deemed to constitute revenues described under Article IX, Section 3a, of the Oregon Constitution, those

revenues ~~shall~~ must be deposited in a Climate Transportation Investment Account to be managed by the Portland Bureau of Transportation. Such funds ~~shall~~ must, consistent with the limitations in Section 3a, be used in a manner that promotes the ~~goals~~ purpose of Section ~~7.07.040~~ this Chapter.

7.07.040 Portland Clean Energy Community Benefits Fund.

(Amended by Ordinance No. 189794, effective December 12, 2019.)

~~A. The proceeds~~ Proceeds from this Large Retailer business surcharge, after deducting the reasonable costs of administering and collecting the revenue, shall be Clean Energy Surcharge will be placed in a special fund to be designated as the “Portland Clean Energy Community Benefits Fund” (“Fund”).

~~B. Money in the Portland Clean Energy Community Benefits Fund shall be dedicated to the funding of the following, as described in more detail in Section 7.07.060:~~

~~1. Clean Energy Projects.~~

~~a. Renewable energy and energy efficiency projects, with an emphasis on programs that benefit low income individuals and that broaden access to energy efficiency and clean renewable energy infrastructure to low income communities and communities of color;~~

~~b. Regenerative agriculture and green infrastructure projects that result in sequestration of greenhouse gases and support sustainable local food production.~~

~~2. Clean Energy Jobs. Programs to increase access to and support for job training, apprenticeship programs and contractor support initiatives that prioritize skills training and workforce development for economically disadvantaged and traditionally under-employed workers, including communities of color, women, persons with disabilities, and the chronically underemployed.~~

~~3. Priority will be given to programs that both reduce greenhouse gases and promote social, economic and environmental benefits.~~

B. Fund proceeds will be distributed through grants and contracts.

C. Qualified organizations are eligible to receive grants, solely or in partnership with other non-profit entities, government entities, or for-profit businesses.

D. Qualified organizations and qualified businesses are eligible to receive contracts, solely or in partnership with other non-profit entities, government entities, or for-profit businesses.

- ~~C.E.~~ No more than 512 percent of the ~~fund shall~~Fund will be spent on administrative expenses associated with administering the fund once established. Specifically, the limitation will not apply to reasonably necessary. The percent for a fiscal year will be calculated by dividing the administrative expenses incurred throughfor the fiscal years ending June 2020, June 2021,year with the sum of the administrative expenses for the fiscal year and June 2022, while the program is being established and systems put in place for administering and collecting the average of the surcharge and distributing funds prior 3 fiscal years' annual Fund revenues.
- ~~D.F.~~ The Fund ~~shall beis~~ subject to a financial audit every year and a performance audit every 2 years, with the costs of any audit excluded from the ~~5 percent limitation for administrative expenses limit.~~
- ~~E.~~ ~~The Mayor and City Council shall generally accept the funding recommendations from the Committee. If the Mayor or Council determines that they will reject a funding recommendation, they shall provide the Committee with a written explanation of the decision.~~

7.07.050 The Portland Clean Energy Community Benefits Fund Committee.
(Amended by Ordinance No. 189794, effective December 12, 2019.)

- A. There ~~shall beis~~ established a “Portland Clean Energy Community Benefits Fund Committee (“Committee”) made up of experts and community members to:
 1. ~~make funding recommendations~~ Recommend the Climate Investment Plan to the Mayor and City Council (together, the “City Council”); and
 2. ~~evaluate~~Evaluate the effectiveness of the ~~Fund~~Program in achieving the goals of this Chapter.
- B. The Committee ~~shall beis~~ made up of nine members who ~~are residents of live, work, go to school or worship in the City of Portland.~~ Members ~~shall beare~~ appointed by the Mayor for staggered 4-year terms, ~~with the exception of the first Committee, which will have five members appointed for 4 year terms and four members appointed for 2 year terms.~~
- C. ~~For the first Committee, each City Council member (including the Mayor) may nominate a committee member who meets the qualifications set forth in Subsection D.3. Those five nominees, once appointed, shall then recommend four additional members to the Mayor for appointment. The Mayor shall appoint members consistent with the recommendations of each City Council member and the Committee, absent good cause. Thereafter, when~~When a Committee member resigns or ~~their~~the member's term expires, the Committee shall ~~recommen~~recommends a replacement member. The Mayor considers the Committee's recommendation when appointing Committee members.
- D. The Mayor shall ~~appoint members of the Committee~~appoints Committee members, confirmed by City Council, based on the following background and expertise:

1. The Committee ~~shall~~will reflect the racial, ethnic and economic diversity of the City of ~~Portland~~. At least two members will be City residents living who live east of 82nd Avenue.
2. Committee members ~~shall~~will have demonstrated a commitment to furthering the goals of the City's Climate Action Plan climate action goals and empowering historically disadvantaged groups, including women, people of color, people with disabilities, and the chronically underemployed priority populations or workforce priority populations.
3. At least one member ~~of the Committee should~~will have significant demonstrated experience in the following fields:
 - a. Residential renewable energy and energy efficiency ~~projects~~;
 - b. Commercial renewable energy and energy efficiency ~~projects~~;
 - c. Workforce development, job training ~~and/or~~ apprenticeship ~~programs~~projects that ~~are targeted at reaching historically disadvantaged groups~~ target workforce priority populations;
 - d. Experience promoting minority-owned ~~and/or~~ women-owned businesses;
 - e. ~~Sustainable local food production~~Regenerative agriculture, green infrastructure and greenhouse gas sequestration; ~~and~~
 - f. Financing tools that help make renewable energy and energy efficiency available to a broader spectrum of the public; and
 - g. Transportation decarbonization.
4. While Committee members may have experience in multiple fields, members with deep expertise in a single field will ~~be encouraged in order to create a balanced Committee in which no one area of expertise dominates~~.

E. ~~The Committee shall~~Program staff will:

1. ~~Establish and maintain~~Maintain a public website that includes the Committee's membership, bylaws, meeting agenda~~agendas~~, meeting notes, ~~governance standards~~ and relevant code, administrative rules and policy statements.
2. Implement the Program in accordance with the purpose of this Chapter.
- 2.3. Solicit grant applications for funding from qualified ~~nonprofit~~ organizations registered with the State of Oregon. ~~Requests for proposals as well as applications shall be posted on the Committee's website~~. Staff will post to

a public website the City's grant solicitation documents as documents are released to the public; staff will post to a public website relevant grant application materials within a reasonable time period after City Council makes its award decision.

4. Solicit contract applications from qualified organizations and qualified businesses in accordance with City procurement practices.
- 3.5. Evaluate grant and contract applications for funding to determine whether they meet the allocation: (a) the project described in the application meets the priorities set forth identified in Section 7.07.060, the Climate Investment Plan; and whether (b) the applicant nonprofit organization has the capacity to implement the program and project as described and to ensure fiscal accountability.
- ~~4. Make recommendations for funding to the Mayor, consistent with the allocation priorities set out in Section 7.07.060. All applications and final recommendations will be posted on the Committee's website. If the Mayor or City Council reject a funding recommendation, then their explanation for that decision will be posted on the Committee's website.~~
6. Manage the selection of grants and contracts in accordance with existing City rules and grant and procurement best practices, including but not limited to publishing on a public website the selection criteria and process for each funding opportunity.
7. Track progress in meeting workforce and contractor equity plan goals on a public website.
8. Perform additional work necessary to implement the Program.

F. The Committee will:

1. Recommend the Climate Investment Plan to the City Council. If City Council modifies the Climate Investment Plan, it must explain and post its explanation on the Program's website. The Committee will recommend its first Climate Investment Plan to City Council no later than 9 months after the effective date of this Subsection. The Committee will recommend subsequent Climate Investment Plans to City Council no later than 6 months after the expiration of the previous Climate Investment Plan.
- 5.2. Adopt a methodology to measure, track and report to the public, the Mayor, and the City Council the effectiveness of the programs in implementing the City's Climate Action Plan in a manner that supports social, economic and environmental justice, including developing a diverse and well-trained workforce and contractor pool in the field of energy efficiency, renewables, green energy initiatives generally. All fund recipients shall file a report tracking their success in meeting the stated objectives Program in achieving

the purpose of this Chapter. All grant and contract recipients will file reports consistent with the Committee's methodology on forms provided by the Program.

~~6.3.~~ Adopt a workforce and contractor equity planplans with to ensure that the work funded by the Committee is being performed by historically disadvantaged groups, including measurable and ambitious goals for the training and hiring of historically disadvantaged groups, including women, people of color, people with disabilities, and the chronically underemployed and measurable goals to ensure projects are performed by workforce priority populations and include goals for contracting with businesses owned or operated by such groups. In developing the plan and goals, thepopulations. The Committee shall consultwill develop the plans in consultation with workforce and contractor equity stakeholders as well asand incorporate appropriate best practices from City procurements. Progress in meeting these goals shall be prominently displayed on the Committee's homepage and, if goals are not being met, shall be the Committee's top priority to addressCity's procurement practices.

~~7.~~ Make recommendations to the City Council on changes to this law as necessary to ensure the effectiveness of this Chapter in achieving the stated goals of implementing the City's Climate Action plan in a manner that supports social, economic and environmental justice.

~~F.~~ Staff within the Bureau of Planning and Sustainability shall assist the Committee as needed to initiate and begin implementation of the provisions of this Chapter. Once the Committee is appointed and a framework for implementing this Chapter is in place, the Committee may decide to either continue to utilize Bureau of Planning and Sustainability staff to support its work or hire its own program support staff. Staff costs shall be included the calculation of administrative expenses.

~~4.~~ Recommend City Council amend the Climate Investment Plan if the Committee determines that the Climate Investment Plan no longer meets the purpose of this Chapter.

~~5.~~ Recommend to City Council amendments to this Chapter necessary to further the purpose of the Chapter.

7.07.060 Funding Allocation PrioritiesCategories.

~~A.~~ The Committee shall allocate funds consistent with the goals Funding priorities and funding levels in the Climate Investment Plan and funded projects must further the purpose of this Chapter and fall within the following allocation percentages to the extent possiblecategories:

~~1.~~ Forty percent to sixty percent: Renewable energy and energy efficiency programsprojects.

- a. This category includes residential, commercial, industrial, and school-based projects that reduce greenhouse gases within the City.
 - b. ~~Programs broadening~~ Projects that broaden access to energy efficiency and renewable energy, such as community-initiated energy strategies and decentralized renewable energy, ~~shall bear~~ a high priority.
 - c. At least one half of the projects ~~under this Subsection~~ should specifically benefit low income residents and communities of color priority populations.
 - d. ~~Funding agreements shall~~ Projects that impact tenants must include terms to encourage rent stability including, but not limited to, ~~provisions barring owners~~ a term that prohibits landlords from using improvements funded by this Chapter as a basis for rent increases.
2. ~~Twenty percent to twenty five percent: Clean energy~~ Climate jobs training, apprenticeships, and contractor support development projects.
- a. This category ~~is intended to support non profit programs~~ includes projects serving populations within the Portland metropolitan statistical area that directly facilitate and promote job training, pre-apprenticeship programs, apprenticeship programs and contractor training and support that are primarily aimed at supporting economically disadvantaged and traditionally underrepresented workers in the skilled workforce (including people of color, women, persons with disabilities and chronically un-employed), and contractor development in businesses that produce goods or services that reduce or sequester greenhouse gases.
 - b. Projects supporting workforce priority populations are a high priority.
 - c. ~~b. Programs~~ Projects supporting entry into union—registered apprentice trades shall bear a high priority.
3. ~~Ten percent to fifteen percent: Regenerative agriculture and green infrastructure projects~~ programs that result in sequestration of greenhouse gases.
- a. This category ~~is intended to reduce greenhouse gases by supporting sustainable local food production and green infrastructure programs that result in sequestration of~~ includes projects that reduce or sequester greenhouse gases within the City.
 - b. ~~Programs funded under this category should be designed to help~~ Projects must demonstrate and/or promote the broader adoption of

~~such~~ regenerative agriculture or green infrastructure practices, with a particular focus on low-income communities and communities of color/priority populations.

~~c.~~ Projects that provide benefits to priority populations are a high priority.

~~4.~~ Five percent: Future Innovation.

~~a.~~ This category is intended to provide the Committee with flexibility to fund a project that does not directly fall under one of the other categories, but which provides an opportunity to further the goals of this Chapter.

~~4.~~ Transportation decarbonization projects.

~~a.~~ This category includes projects that reduce greenhouse gases by displacing fossil fuel use.

~~b.~~ Projects that provide direct benefits to priority populations are a high priority.

~~5.~~ Organizational capacity building projects.

~~a.~~ This category includes projects to provide non-profit organizations with trainings, technical assistance, consultation, operational funding, staff support and other resources that contribute to effective functioning.

~~b.~~ Non-profit organizations that support priority populations are a high priority.

~~c.~~ Organizations funded under this category should have a mission, vision, workplan, strategic plan, or other guiding document that demonstrates a meaningful connection to the purpose of this Chapter.

~~6.~~ Other projects that reduce or sequester greenhouse gases.

~~a.~~ This category includes projects that do not fall under another category but provide meaningful, measurable reduction or sequestration of greenhouse gases.

~~b.~~ Projects that provide benefits to priority populations are a high priority.

~~B.~~ In making funding decisions, the Committee shall must consider the following:

1. ~~Co-benefits. Whether a project prioritizes greenhouse gas reduction outcomes or sequestration in a manner that promotes the economic, social and environmental justice outcomes identified in this Chapter and social, economic, and environmental benefits.~~
2. ~~Geographical diversity, with the goal of funding projects that operate Whether projects operate at the neighborhood level (including east of 82nd Avenue) as well as citywide. The Committee may also consider providing support to neighborhood scale organizations to develop and expand their organizational capacity to implement projects on a larger scale.~~
3. ~~Organizational representation. To ensure that the City's work addressing climate change Program is inclusive as well as effective, at least 20 percent of the Committee's Funds shall be awarded to non-profit organizations with a stated mission and track-record of programs that benefit benefitting economically disadvantaged community members, including people of color, women, people with disabilities, and the chronically unemployed. The qualified non-profit can apply solely or in partnership with other non-profit entities, government entities or for-profit businesses workforce priority populations.~~
4. ~~Leveraging. Programs Leverage. Projects that would leverage additional governmental government or private funding and therefore increase the overall program Program's effectiveness should be priorities prioritized, but are leverage is not required.~~
5. ~~Held-over funds. If there are insufficient qualified applicants, funds may be held over to the following year.~~
6. ~~If the Committee determines that the level of funding under any of these distribution categories is not meeting the climate or equity goals of the Chapter, the Committee may recommend that the City Council amend the Code to alter the allocation percentages.~~

C. Terms of Grants and Contracts.

1. ~~U.S.-made renewable energy products. Solar, wind, or other renewable energy systems purchases with monies provided by the Fund shall must be predominantly manufactured in the United States unless such a product meeting this criteria is unavailable or the cost is prohibitive.~~
2. ~~Workforce and Contractor Equity Agreement. Recipients of Funds Funding recipients must agree to the Workforce and Contractor Equity Agreement workforce and contractor equity agreements developed by staff in alignment with workforce and contractor equity plans adopted by the Committee.~~
3. ~~Family Wage Standards. Wage standards for employees working on projects funded by this Chapter shall must be no less protective of workers~~

than those contained in the State of Oregon's Energy Efficiency and Sustainable Technology Act, ORS 470.560(2)(g). For purposes of this Subsection, an employee is not a volunteer or trainee.

7.07.070 Severability Clause.

If any part, section or provision of this Chapter, or surcharge imposed pursuant to this Chapter, is found unconstitutional, illegal or invalid, such a finding will affect only that part, section or provision of the Chapter and the remaining parts, sections or provisions ~~shall~~ remain in full force and effect.