



Auditor Simone Rede

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Measures & Initiatives 1980 to 1989

Election Date	Subject		
05/20/1980	Eliminates Mandatory Fluoridation of Water System	Yes	62,076
	Amend Charter (Repeal Section 11-107) - Initiative Petition	No	53,680
05/20/1980	Vacancies in Office Filled by Election	Yes	82,593
	Amend Charter Section 2-206 - Measure Referred to Voters by City Council	No	19,331
05/20/1980	Revises, Updates Certain City Charter Provisions	Yes	72,446
	Amend Charter Sections 1-107,2-107,2-120,2-122,2-601 & Insert Section 2-127 - Measure Referred to Voters by City Council	No	16,847
11/04/1980	Mandatory Weatherization of Buildings Requires Vote	Yes	85,323
	Amend Charter (Insert Section 1-108) - Initiative Petition	No	68,364
11/04/1980	Portland Civic Stadium Renovation Bonds	Yes	86,636
	Measure Referred to Voters by City Council	No	70,631
11/04/1980	Clarifying City Lease and Purchase Authority	Yes	95,682
	Amend Charter Section 2-105 - Measure Referred to Voters by City Council	No	39,839
03/31/1981	Portland Performing Arts Facilities & Bonds	Yes	41,907
	Measure Referred to Voters by City Council	No	36,591
11/02/1982	Ordinance Establishing a Police Internal Investigations Auditing Committee	Yes	74,433
	Referendum Petition	No	73,715
11/02/1982	Civil Service Provisions and Residency Requirements	Yes	73,208
	Amend Charter Chapters 2 & 4 - Measure Referred to Voters by City Council	No	61,759
03/29/1983	City Residence Requirements for Officers & Employees	Yes	10,399
	Amend Charter Section 2-611 - Measure Referred to Voters by City Council	No	9,967
05/15/1984	Requiring City Auditor Be A Certified Public Accountant	Yes	81,321
	Amend Charter Section 2-501 - Measure Referred to Voters by City Council	No	26,869
05/15/1984	Conforming Bond Issuance Procedure to Current Law	Yes	74,483

	Amend Charter Section 7-203 - Measure Referred to Voters by City Council	No	22,455
05/15/1984	Eliminating Masculine or Feminine Terms in City Charter	Yes	57,599
	Amend Charter (Insert Section 2-513) Measure Referred to Voters by City Council	No	48,880
11/06/1984	Authorizing Street Lighting System Operation and Fee Assessment	Yes	69,811
	Amend Charter (Insert Sections 11-401 through 11-405) - Measure Referred to Voters by City Council	No	92,410
12/18/1984	Requiring One Year City Residence for Elective Office	Yes	42,020
	Amend Charter Section 2-202 - Measure Referred to Voters by City Council	No	13,031
05/21/1985	Three-Year Tax Levy to Continue Street Lighting	Yes	20,164
	Measure Referred to Voters by City Council	No	10,361
05/20/1986	Revising Auditor's Duties, Responsibilities, Authority & Service Requirements	Yes	52,466
	Amend Charter Chapters 1,2,4,5,6,10,15 - Measure Referred to Voters by City Council	No	13,450
05/20/1986	Revising Requirements for Nominating Candidates for City Office by Petition	Yes	59,934
	Amend Charter Section 3-108 - Measure Referred to Voters by City Council	No	18,343
05/20/1986	Revising Procedures for Assessing, Collecting, and Financing Local Improvement Costs	Yes	47,034
	Amend Charter Chapter 9 - Measure Referred to Voters by City Council	No	26,967
11/04/1986	Revising the Classified Civil Service System	Yes	90,439
	Amend Charter Chapter 4 - Measure Referred to Voters by City Council	No	44,890
11/04/1986	Revising the Classified Civil Service by Exempting Certain Additional Persons	Yes	66,236
	Amend Charter Section 4-101 - Measure Referred to Voters by City Council	No	67,331
05/19/1987	Hotel-Motel (Transient Lodging) Tax to Create Portland Arts Fund	Yes	29,404
	Amend Charter Section 7-110 - Measure Referred to Voters by City Council	No	44,985
05/17/1988	Allow Participation by Phone in Council Meetings	Yes	51,516
	Amend Charter Section 2-114 - Measure Referred to Voters by City Council	No	69,868
05/17/1988	Revising Charter Listing of Successors to Council Seats in Emergency	Yes	79,107
	Amend Charter Section 2-206 - Measure Referred to Voters by City Council	No	35,827

05/17/1988	Revises Residence Provisions for Appointed City Officers and Employees Amend Charter Section 2-611 & 4-301 - Measure Referred to Voters by City Council	Yes	59,433
		No	56,173
05/17/1988	Allowing Multi-Year Contract for Official Advertising Amend Charter Section 8-101 - Measure Referred to Voters by City Council	Yes	67,972
		No	43,755
05/17/1988	Deleting Certain Purchasing Procedures Amend Charter Section 8-104 - Measure Referred to Voters by City Council	Yes	57,642
		No	50,104
03/28/1989	Three Year Tax Rate Serial Levy for Street Lighting Measure Referred to Voters by Council	Yes	62,653
		No	32,108
05/16/1989	Authorizing Provision of Water at No Charge to City Bureaus for City Services Amend Charter Section 11-105 - Measure Referred to Voters by City Council	Yes	28,130
		No	39,411
06/27/1989	Three Year Serial Levy for Emergency Communication System Measure Referred to Voters by Council	Yes	46,948
		No	27,988
06/27/1989	Three Year Serial Levy for Youth-Oriented Park Improvement Construction and Operation Measure Referred to Voters by Council	Yes	42,542
		No	32,579
11/07/1989	Revising Fire & Police Pension and Disability Plan Amend Charter Chapter 5 - Measure Referred to Voters by City Council	Yes	64,134
		No	50,448

1980 Fluoridation of Water Initiative Petition

The following measure appeared on the Tuesday, May 20, 1980 Primary Election Ballot.

CAPTION: Eliminates Mandatory Fluoridation of City Water

Repeals Section 11-107 of the Portland City Charter which requires fluoridation of water supplied through the municipal water works. Passage of this charter amendment would eliminate the mandatory requirement that Portland's water supply be fluoridated.

1980 Filling Vacancies Charter Amendment

The following measure appeared on the Tuesday, May 20, 1980 Primary Election Ballot.

CAPTION: Vacancies in Office Filled by Election

Amends Section 2-206 of the City Charter to provide that a vacancy or declared future vacancy in the office of Mayor, City Commissioner, or City Auditor shall be filled by a special election, or elections, in certain situations. Authorizes appointment of an interim City Auditor pending election.

1980 Revise & Update Charter

The following measure appeared on the Tuesday, May 20, 1980 Primary Election Ballot.

CAPTION: Revises, Updates Certain City Charter Provisions

Amends Section 1-107, 2-107, 2-120, 2-122, and 2-601 of the City Charter, adds a new Section 2-127, to revise outdated procedures regarding adoption of ordinances and appointment of officials, clarifies the circumstances for payment of fair and moral obligations and eliminates the limitation of fines for ordinance violations.

1980 Mandatory Weatherization Initiative Petition

The following measure appeared on the Tuesday, November 4, 1980 General Election Ballot.

CAPTION: Mandatory Weatherization of Buildings, Requires Vote

Amends City Charter to provide that except for provisions of the City Building Code in effect September 1, 1979, the City Council shall not pass or enforce any ordinance, resolution, law or program mandating weatherization for any building built prior to September 1, 1979, unless referred to the citizens for a vote.

1980 Civic Stadium Renovation Bond

The following measure appeared on the Tuesday, November 4, 1980 General Election Ballot.

CAPTION: Portland Civic Stadium Renovation Bonds

QUESTION: Shall the City of Portland issue serial general obligation bonds not exceeding \$9,500,00 for renovation of Portland Civic Stadium?

PURPOSE OF THIS MEASURE: This measure would authorize the City of Portland to issue serial general obligation bonds not exceeding \$9,500,000. The proceeds from sale of the bonds would be used for the repair, renovation, or alteration of the Portland Civic Stadium structure, adjoining sidewalks and concourse areas, seating facilities, lighting and weather protection improvements and renovation of restroom and concession areas.

1980 Lease & Purchase Authority Charter Amendment

The following measure appeared on the Tuesday, November 4, 1980 General Election Ballot.

CAPTION: Charter Amendment Clarifying City Lease and Purchase Authority

QUESTION: Shall the City Charter be amended to clarify the City's authority to enter into lease, lease-purchase, and similar agreements?

PURPOSE OF THIS MEASURE: This measure would clarify that in entering into a lease, lease-purchase, purchase price security or similar agreement, the City must have on hand during the year the lease is entered into only the payments to be made during that year. The City Attorney has issued an opinion that this is the intent of the Charter, as presently written, but the Charter is not entirely clear. This amendment removes any unclarity.

1982 PIAC Ordinance Referendum Petition

The following measure appeared on the Tuesday, November 2, 1982 General Election Ballot.

CAPTION: Ordinance Establishing a Police Internal Investigation Auditing Committee

QUESTION: Shall a City Council Committee investigate the Police Internal Investigations system and review Internal Investigations decisions on police misconduct complaints?

PURPOSE OF THIS ORDINANCE: This ordinance creates a Police Internal Investigations Auditing Committee consisting of three City Council members. The Committee may use City staff and citizen volunteers. The Committee will investigate the internal system used by the Police Bureau to investigate charges of police misconduct. The Committee may consider appeals from internal Police Bureau decisions in individual cases where police misconduct is charged. The Committee may publicize its decisions. The Committee may not determine police officer discipline.

1982 Civil Service & Residence Requirement

The following measure appeared on the Tuesday, November 2, 1982 General Election Ballot.

CAPTION: Charter Amendment of Civil Service Provisions and Residency Requirements

QUESTION: Should the city civil service provisions conform with current practices and law and, with limited exceptions, city employees be city residents?

PURPOSE OF THIS MEASURE: This measure would update civil service and related provisions in the city charter to conform with federal and state law, court decisions and current civil service practices. It would require city employees to be city residents with limited exceptions. Secretaries and administrative staff of elected officials would be exempt from civil service. Temporary positions not exceeding five months' duration would be exempt also. Five candidates, instead of three, could be considered for supervisory appointments.

1983 Employee Residence Requirement

The following measure appeared on the Tuesday, March 29, 1983 Special Election Ballot.

CAPTION: City Residence Requirements for City Officers and Employees

QUESTION: Shall city officers and employees employed after January 1, 1984 be required to be city residents with limited exceptions?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT: City officers and employees would be required to reside within the city with the following exceptions: (1) officers and employees employed prior to January 1, 1984; (2) temporary employees in the discretion of the City Council; (3) noncivil service employees must become city residents within 6 months after appointment; (4) civil service employees must become city residents within 6 months after completion of their probationary period; (5) employees whose place of employment is more than 10 miles outside the city

1984 Bond Issuance

The following measure appeared on the Tuesday, May 15, 1984 Primary Election Ballot.

Charter Amendment Conforming Bond Issuance Procedure to Current Law

QUESTION: Shall the Portland City Charter be amended to conform municipal bond issuance procedure to current federal and state law?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT: This Charter amendment would conform and update procedures for issuance of municipal bonds in accordance with current federal and state law requirements. This amendment does not authorize issuance of any bonds, but merely changes technical procedural requirements relating to issuance of any bonds that may be authorized in the future.

1984 Street Lighting Fee Assessment

The following measure appeared on the Tuesday, November 6, 1984 General Election Ballot.

Charter Amendment Authorizing Street Lighting System Operation and Fee Assessment

QUESTION: Shall the City be given authority to operate a street lighting system, assess fees therefor, and issue street lighting bonds?

PURPOSE OF CHARTER AMENDMENT: This Charter amendment would authorize the City to operate a street lighting system and to assess and collect annual fees from properties within City limits for street lighting services received. Such fees would be required to be reasonably related to services received by the property and to equal expenses. Issuance of general obligation bonds payable primarily from annual lighting fees would be allowed. This system would replace the property tax levy currently funding street lights.

1986 Auditor's Duties Revision

The following measure appeared on the Tuesday, May 20, 1986 Primary Election Ballot.

REVISING THE AUDITOR'S DUTIES, RESPONSIBILITIES, AUTHORITY AND SERVICE REQUIREMENTS

QUESTION: Shall the Charter be amended to revise the duties, responsibilities, authority and conditions of service of the Auditor?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT: Auditor will be given authority to conduct internal financial and performance audits. Auditor will be given authority to appoint external auditors with consent of Council and to coordinate and monitor audits performed by external auditors. Most accounting duties and certain clerical and administrative duties of the Auditor are reassigned; certain duties and responsibilities are eliminated. Auditor will be designated as City Recorder. Auditor may not run for another City office without resigning as Auditor.

Charter Amendment Referred to the Voters by the City Council of the City of Portland, Oregon

RESOLUTION NO. 34054 ADOPTED MARCH 13, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith,' approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by revising the duties, responsibilities, authority and service requirements of the Auditor.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by adding a new Section 2-803 and amending Sections 1-106, 1-107, 1-201, 2-501, 2-505, 2-506, 2-508, 2-511, 2-607, 2-801, 4-118, 5-105, 7-106, 7-109, 7-201, 10-104, 10-106, 10-107, 10-212, 10-214 and 15-104, to read as follows:

Section 1-106. Damage Claims, Insurance. Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and agents acting within the scope of their employment or duties, must be presented to the *[Auditor]* **City Attorney** within the time prescribed by law. The Council shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the Council shall deem it advantageous to procure insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. The Commissioner In Charge may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars (\$5,000). Payment exceeding five thousand dollars (\$5,000) for any claim must be authorized by an ordinance.

Section 1-107. Certain Fair and Moral Obligations May Be Paid. To the end that the Council may provide for paying claims which it finds to be fair and moral obligations of the City but limited to claims that are barred by Charter exemption or by reason of governmental immunity or that are asserted by employees for the replacement of personal property damaged in the course of performing their employment duties, it may in its discretion, direct payment or settlement, provided that an affidavit *of [for]* claimant or person representing the claimant and having knowledge of the facts is filed with the City *[Auditor]* **Attorney** within thirty (30) days after the event which caused the claim (unless the Council, upon proof of a good excuse permits later filing) showing therein the name, age, and address of the claimant, the time and facts which give rise to the claim, the persons present, if any, able to substantiate the facts and circumstances, the name of the City officer or employee first contacted with reference to the claim, the name and address of the physician and/or surgeon who attended the claimant if the claim be based on personal injury treated by a physician or surgeon, a description of the injuries if personal injury was sustained, a particular statement of the damage, if real and/or personal property was damaged, the places of residence and address of the claimant during three (3) years preceding the claim, a detail of the expense constituting the claim, in so far as expense shall have been and/or probably will be incurred, and such other data as will give the City an opportunity to readily ascertain the facts, extent of injury, cost resulting therefrom and the integrity of the claimant. When insurance (covering the claimant, the City or the City employee involved) applies, the claim shall not be allowed as to any portion covered by the insurance. No claim shall be allowed the enforcement of which would be barred by the statute of limitations, and no payment shall be made unless the claimant accepts the amounts allowed as in full compromise and settlement of all amounts claimed or to be claimed against the City, its officers or employees arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the City in any defense that it may have in any suit or action. Nothing contained herein shall be construed as giving any right to institute or maintain any suit or action which would not otherwise exist.

Section 1-201. Boundaries. All property surrounded by the corporate limits of the City of Portland as described and officially filed from time to time as set forth in this Section is hereby embraced within the City of Portland. Within ten (10) days after this amendment becomes effective and the official canvass of votes is completed and results of election on this amendment are proclaimed, the Council shall adopt a resolution describing such boundaries. Certified copies of such resolution shall be filed *[by the City Auditor]* with the Secretary of State and the librarian of the Supreme Court of the State of Oregon, with the County Commission or county court of each county in which a portion of the City is located, and with

the Clerk, Assessor, Surveyor, Engineer, Elections officer, and Tax Supervising and Conservation Commission, if any, of each such county, and such other official as may be required by statute.

Section 2-501. **Qualifications and Restrictions on Other City Candidacy.** There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a Commissioner, and in addition, shall at the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant and remain certified as such throughout the term of office, if elected. The Auditor shall be elected at the general municipal election and shall serve for a term of four (4) years. If an Auditor shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. **The Auditor shall not run for election to any other City office during his or her term. The act of filing for another City office will be the same as a resignation, which shall be effective as of the date of such filing.**

Section 2-505. Duties in General. *[The auditor is the accounting and clerical officer of the City. He or she shall be in personal attendance at his or her office during office hours.]* The Auditor shall receive and preserve in his or her office all accounts, books, vouchers, documents and papers filed with him or her relating to the accounts and contracts of the City *[its debts, revenues and other financial affairs]*. The **City officer responsible for accounting [Auditor]** shall give information as to the exact condition of the treasury and of every appropriation and fund thereof under control of the Council, upon demand of the Mayor, or the Council, or any Commissioner, **or the Auditor.** The Auditor shall be the custodian of the City's seal *[and shall perform such other duties as this Charter or the Council may direct]*. The **City officer responsible for accounting [Auditor]** shall keep the records and accounts of the City in a complete and intelligible manner, but may keep a summary of departmental or bureau records and accounts where he or she finds such summary to be sufficient. He or she shall make *[a semi]* an annual statement to the Council showing the receipts and disbursements of the City and the state of each particular fund and the City's financial condition as soon as records are complete after the close of business on the last day of each fiscal year *[and also the last day of each calendar year]*. The *[semi]* annual report[s] shall contain an accurate statement in summarized form of the financial receipts of the City from all sources and of the expenditures of the City for all purposes, together with a detailed statement of the debt of said City, of the purposes for which said debt has been incurred, and of the accounts of said City with grantees of franchises and the names of the present owners of each thereof, and a summary of the assets and liabilities of the City. **The Auditor shall conduct ongoing broad-scope internal audits of City government in accordance with generally accepted governmental auditing standards, and shall coordinate and monitor the annual audit of the City's financial statements by external independent auditors. He or she shall make the final determination of acceptability and legitimacy of all claims for payment made against the City. The Auditor shall serve as the City Recorder and, as such, shall also be the Clerk of the Council, Public Records Administrator and City Elections officer, and shall keep the original or a conformed copy of all City contracts. Council shall provide staffing and facilities for the Auditor to carry out the above duties.**

Section 2-506. *[Accounts and]* **Demands for Payment.** The **City officer responsible for accounting [Auditor]** shall keep an account of all moneys paid into and out of the treasury. Every demand upon the City for payment of money out of the treasury, except the salary of the Auditor, must, before it can be paid, be presented to the Auditor, who shall audit such demand to satisfy himself or herself whether the money is legally due and payable, and out of what fund it is payable. No demand shall be approved or paid unless it specify each several item, date and amount composing it, and have endorsed thereon the legal authority for its payment. However, the provisions of this paragraph shall not apply to demands for payment out of funds from which any officers, boards or Commissioners are empowered by this Charter or other law to require payment without Council authorization nor to requisitions, checks or warrants thereon. Any ordinance or resolution of the City Council providing for the payment of any demand out of the treasury, whether from public funds or private funds therein, shall always be construed as requiring the auditing of such demand by the Auditor before the same is paid. The Auditor shall *[number and]* keep an official record of all demands audited by the Auditor showing the number, date, amount, name of the payee and against what appropriation, if any, drawn and out of what fund payable. The Auditor shall not allow any demand out of its order to give priority to one demand over another drawn upon the same specific fund, except that when liability for any claim presented is not sufficiently apparent to the Auditor, he or she may delay the payment thereof until such liability shall be determined.

Section 2-508. Warrants. When payment of a demand has been authorized by the Council and approved as provided in this article, the Mayor and Auditor shall draw warrants on the treasurer therefor. Such warrants must be signed by the Mayor and attested by the Auditor; but no warrants, except such as are issued upon funds created by special assessments, or warrants issued in settlement of judgments of the courts, shall be drawn signed by the Mayor or attested by the Auditor until the money for the payment thereof in the hands or under the control of the City Treasurer. Check-warrants countersigned by the Treasurer, checks signed by the Treasurer, or other method of payment authorized by law may be used in lieu of warrants. Such check-warrants or checks shall be drawn upon a bank in which the Treasurer has deposited money for such purpose. The **City officer responsible for accounting** [Auditor] shall keep a register of warrants, check-warrants and checks, showing the funds upon which they are drawn, the numbers, in whose favor, and the appropriations, if any, applicable to the payment thereof.

Section 2-511. [Ownership, Records.] **Audit Report Responses and Availability to Public.** [The Auditor shall keep a record of all property owned by the City and the income derived therefrom.] **City bureau managers shall respond, through the Commissioner-in-charge, to the Auditor. In writing, within the time frame specified by the Auditor, to audit recommendations made by both the city's external and internal auditors. All audit reports and responses shall be made available to the public. The Auditor shall retain workpaper files concerning all internal audit reports issued for at least six years.**

Section 2-607. Appointments. All appointments of officers, deputies and clerks, to be made under any provision of this Charter, must be made in writing and [in duplicate,] authenticated by the person or persons, board or officer, making the same. [One of such duplicates] **Any such writing** must be filed with the Secretary of the Civil Service Board [and the other with the Auditor].

Section 2-801. Official Books and Papers. The official books and papers of all the officers mentioned in this Charter are City property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors; and such books and papers may be inspected at any time by any member of the council or by the Mayor. **The Auditor shall have access to all information and records required to conduct an audit or otherwise perform audit duties.**

Section 2-803. Ownership, Records. The City officers responsible for property management shall keep a record of all property owned by the City and the income derived therefrom.

Section 4-118. Roster and Payroll. It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the Classified Civil Service of the City. This roster shall be open to inspection at all reasonable hours. It shall show in reference to each of said persons the name, the date of appointment to or employment in such service, the compensation, the title of the place or office held, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employees of the City to give the Board all the information which may be reasonably requested, or which the regulations may require, in aid of the preparation or continuance of said roster, and, so far as practicable, it shall indicate whether and what persons are holding any and what offices or places aforesaid in violation of this Article or of any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the [Auditor] **City officer responsible for accounting** the name of each person appointed or employed in the Classified Civil Service stating, in each case the title or character of the office or employment, the date of the commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the [said Auditor] **City officer responsible for accounting** in like manner every change occurring in any office or employment of the Classified Civil Service forthwith on the occurrence of the change. No officer or employee of the shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the Classified Civil Service who is not certified by the Board to

the *[Auditor]* **City officer responsible for accounting** as having been appointed or employed in pursuance of this Article and of the regulations in force there- under. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in an action in the name of the City from any officer or employee of the City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for the payment thereof, and from the sureties on such officer's official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action, be paid into the City treasury.

Section 5-105. Salary Deductions. It shall be the duty of the *[Auditor,]* **City officer responsible for accounting**, in making out regular salary warrants, to deduct and withhold from the salary of each member the amount above provided during all the time such member may be in the employ of said Bureau of Fire or said Bureau of Police. It shall be the duty of the *[Auditor]* **City officer responsible for accounting** to draw a warrant for the total amount so withheld, payable to the Fund at the times regular salaries are paid.

Section 7-106. Independent Audits. At the close of each fiscal year the books and accounts and the financial affairs and transactions of the City shall be audited by *[a]* **an independent** licensed public accountant or firm of such accountants appointed by the *[Council]* **City Auditor with the approval of the Council**. Such audits shall also be made for various departments, as provided in this Charter. The *[Council]* **City Auditor** may from time to time and as often as he or she shall deem necessary, have like audit made of the books and accounts, and the financial affairs and transactions of the City or any part of the City government.

Section 7-109. Limited Special Tax Levies. Special taxes for fixed amounts or limited terms, may be levied and collected at the same time and in the same manner as other tax levies, upon approval by a majority of the City electors voting thereon. Measures for such special tax levies shall be submitted to the electors in the form of separate acts at a general or special election as authorizations or directions to the City Council or other levying body, without provision for amendment to this Charter. Copies of such measures approved by the voting majority shall be kept by the *[City Auditor]* **City officer responsible for accounting** in a separate Current Special Tax Levy Register, and shall be public records having the same effect as though included in this Charter by amendment. AU such authorizations for special tax levies not fully used or which have not fully expired by their terms, which were included in the City Charter at the time of passage of this amendment or approved at the time of passage of this amendment, shall be continued in full force and effect regardless of deletion from the Charter and shall be included By the *[Auditor]* **City officer responsible for accounting** in the Current Special Tax Levy Register. After the authority for a special tax levy has been fully used or has expired, it shall be removed from the current register and placed in a File of Completed Special Tax Levies. This Section shall not apply to authorizations to levy special taxes which by the provisions thereof, grant continuing authority from year to year without period limitations, notwithstanding stated maximum amounts or millage limits on the taxes which may be levied for any one year. Such authorizations shall continue as part of this Charter.

Section 7-201. Issuance of Bonds. No bonds, other than bonds for public improvements payable out of assessments upon the property benefited and sewer bonds if otherwise authorized, shall be issued unless authorized by Charter or statute or unless approved by vote of the people at a general or special election. After the effective date of this amendment, measures for such bond issues limited in time or total amount shall be submitted to the electors, in the form of separate acts, without provision of amendment of 1§his Charter, as authorizations or directions to the City Council or a commission established under this Charter. Copies of such measures approved by p the voting majority shall be kept *[by the City Auditor]* in a separate Book of Bond Issue Authorizations, and shall be public records, having the same effect as though included in this Charter by amendment. All such bond authorizations not fully used or which have not fully expired by their terms, which were included in the City Charter at the time of passage of this amendment or are approved at the time of passage of this amendment shall be continued in full force and effect regardless of deletion from the Charter and shall be included *[by the Auditor]* in the Book of Bond Issue Authorizations. After the authority for a bond issue or serial issues has been fully used and all the bonds issued thereunder have been paid or matured, the copy of the measure or authorization shall be removed from the current book and placed in a file of Completed Bond Issue Authorizations. This Section shall not apply to authorizations to issue bonds or other evidences of indebted- ness which, by the provisions

thereof, grant continuing authority without a stated total which may be issued thereunder, notwithstanding stated debt limitations or maximum amounts which may be outstanding at any one time. Such authorizations shall continue as part of this Charter.

Section 10-104. Debt Limitation. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Charter, which, together with the existing bonded indebtedness of the City, shall exceed at any one time seven percent of the assessed value of an real and personal property in the City, but in estimating such bonded indebtedness, all bonds given for the acquisition or construction of public properties and utilities the interest on which bonds is paid out of the earnings of said public utilities or properties, shall be excluded; provided, that whenever and for so long as such utility or undertaking fails to produce a sufficient revenue to pay all costs of operation and administration (including interest on the City bonds issued therefor and the cost of insurance against loss by fire, accidents, and injuries to persons), and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the City's power to incur indebtedness, unless the principal and interest thereof be payable exclusively from the receipts of such undertaking. The *[Auditor]* **City officer responsible for accounting** shall annually report to the Council, in detail, the amount of revenue from each such undertaking, and whether there is any, and if so, what, deficit in meeting the requirements above set forth.

Section 10-106. Investigations and Rate Fixing. The Council shall have the power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City For that purpose they shall have the right to compel the attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the City as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employees in the construction, maintenance or operation of any such public utilities.

Every charge, rate, fare or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Portland for any service rendered or to be rendered shall be just, fair and reasonable. The Council shall have the power to hear and determine what are just, fair and reasonable rates, fares and charges and to fix and limit such rates, fares and charges and for that purpose may make valuations of the property of any person or corporation engaged in the operation of a public utility within the City. To that end they shall make and enforce regulations providing that at the time of construction or acquisition of any plant or property rendering a public service and of any improvement or additions thereto the person or corporation having charge thereof shall record with the *[Auditor]* **City officer responsible for accounting** a description of all property which such person or corporation shall intend to present for such valuation and all later improvements when made, together with full information as to the cost thereof and vouchers supporting the same, to the end that a complete record of all property to be valued under this Section shall be at all times available.

Section 10-107. Quarterly Reports. Every person or corporation operating a public utility within the City rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books and accounts and make stated quarterly reports in writing to the council, verified by such person or an officer of the corporation, which shall contain an accurate statement in summarized form as well as in detail of all receipts from all sources and all expenditures for all purposes together with a full statement of all assets and debts including stock and bond issues as well as such other information as to the cost and profits of said service, and the financial condition of such grantee as the Council may require. Such reports shall be public and a summary thereof shall be printed as a part of the **City's** annual financial report *[of the Auditor]* and the Council may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee. Such books of account shall be kept and reports made in accordance with forms and methods prescribed by the Council and so far as practicable shall be uniform for all grantees and holders of franchises, and shall, except for important and necessary changes, conform to such reports as are required by state or federal public utility commissions.

Section 10-212. Written Acceptance. Every grantee of any franchise, right or privilege shall within thirty (30) days after the ordinance granting the same shall be enforced, file *[in the office of the Auditor]* **with the City Recorder** a written acceptance of the same, and a failure on the part of the ten acceptance within the time specified shall be and rejection of the rights and privileges con- e granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same.

Section 10-214. Records. The *[Auditor]* **City officer responsible for accounting** shall keep a separate record for each grantee of a franchise from the City rendering service to be paid for wholly or in part by users of such service, which record shall show in the case of each such grantee:

1. The true and entire cost of construction, of equipment, of maintenance and of the administration and operation thereof; the amount of stock issued, if any; the amount of cash paid in, the number and par value of shares, the amount and character of indebtedness, if any; the rate of taxes, the dividends declared; the character and amount of all fixed charges; the allowance, if any, for interest, for wear and tear or depreciation; all amounts and sources of income.

2. The amount collected annually from the City treasury and the character and extent of the service rendered therefor to the City.

3. The amount collected annually from other users of the service and the character and extent of the service rendered therefor to them. Such books of record shall be open to public examination at any time during *[the]* **City** business hours *[of the Auditor's office]*. Such information, in addition to any further data which may be required by the *[Auditor]* **City**, under this Charter, shall be furnished by the grantees or holders of such franchises *[to the Auditor]* upon *[the Auditor's]* request, and at such grantee's own cost and expense.

4. In case any grantee or holder of a franchise fails or refuses to furnish such information when requested so to do on petition being presented on behalf of the City to the circuit court, such court shall have jurisdiction to compel such grantee or owner to furnish such information and tax the costs of such application against the defendant in such proceedings and in addition may impose a fine of not less than twenty-five dollars (\$ 2 5) nor more than five hundred dollars (\$500) for every such offense. AU fines collected under this Section shall be paid into the General Fund. The procedure on such application shall be as far as possible analogous to that on mandamus.

Section 15-104. Administrative Powers and Procedures. The Commission shall have power for and on behalf of said City of Portland to perform the following acts and the following administrative procedures shall be followed:

1. The Commission shall have authority to make orders, rules and regulations in the form of resolutions to carry out the authority granted the Commission in this Chapter, certified copies of which resolution shall, forthwith upon their adoption, be transmitted to the auditor of the City of Portland, who shall cause the same to be transcribed at length in a record kept for the purpose or to be filed in a special record of such resolutions. Such record shall be public and the same and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City of Portland. All such resolutions of the Commission (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City of Portland. All such resolutions shall require an affirmative vote of three (3) members of the Commission and shall take effect thirty (30) days after adoption by the Commission unless some other date be fixed in such resolution. If a date earlier than thirty (30) days from adoption be so fixed as the effective date, such resolution must

receive the affirmative vote of at least four (4) members and all of the members present at the time of adoption. No Commissioner and no official or employee of the Commission shall take part in negotiations or proceedings, nor shall any Commissioner vote upon any matter on which such Commissioner is interested in a personal rather than official capacity, as a promoter, stockholder, shareholder or owner, or on any contract or order connected therewith.

2. The Commission shall have authority to appoint, employ and discharge such officers, employees and agents, including but not limited to clerical staff, experts, appraisers, accountants and other technicians, and crafts persons and laborers, as the Commission finds necessary or convenient for the efficient and economical performance of its duties, and to fix and provide for their compensation. Permanent officers and employees of the Commission shall be subject to the Civil Service provisions of this Charter and shall be appointed or removed by the Commission or person designated by the Commission in accordance with such provisions with the following exceptions: the commissioners, a Director, the Director's secretary, an Assistant Director and all consulting or technical employees. All offices and positions in the permanent service of the Commission shall be provided for by resolution, a copy of which shall be sent to the Civil Service Board. Resolutions establishing positions within the Civil Service provisions of this Chapter shall be transmitted to the Civil Service Board for classification in like manner as other positions in the service of the City.

3. The commission may obtain the advice, recommendation and assistance of any officer, board or commission of the City of Portland, and the City Attorney and the City Attorney's staff shall render legal assistance and advice as required by the Commission. Payment for such legal service or other service of departments, officers or employees of the City shall be made to the City by the Commission. This shall not prevent the employment of technical assistance nor the employment of special legal counsel. Purchases need not be made through the purchasing agent of the City, but otherwise the limitations and restrictions on purchases contained elsewhere in this Charter shall apply.

4. The Commission may establish offices in or outside the City hall or other City building, as space may be available or convenient.

5. The Commission shall have authority to incur expenses for administration and such maintenance, construction, reconstruction, alteration, rehabilitation, replacement, repair or purchase or other mode of acquisition or rental of equipment, property or facilities as the Commission may find necessary or convenient. All property acquired shall be acquired in the name of the City of Portland. The Commission may purchase material and supplies and make such other disbursements and incur such other expenses as the Commission finds necessary or appropriate to carry out the purposes set forth in this Chapter.

6. The Commission shall have power to borrow money, negotiate federal advances of funds and execute notes as evidence of obligations, and pledge property acquired or any part thereof, and the City Council may make loans to the Commission from any available City fund.

7. The Commission shall pay all moneys received in connection with an urban renewal plan or property acquired in connection therewith, to the Treasurer of the City of Portland who shall maintain a separate and distinct fund to be known as the Urban Redevelopment Fund, in which all such moneys shall be deposited in the name of the City of Portland for the use and expenditure of the Commission. The Commission shall pay all money received in connection with civic promotion to the City Treasurer who shall keep the same in a separate fund to be known as the Civic Promotion Fund. The Commission shall also have authority to establish reserve funds, special funds or sinking funds for the payment of indebtedness, obligations or interest thereon as may be permitted by law. The Commission may transfer money from its General Fund to its special or reserve funds and may transfer surplus of money to its General Fund, and may transfer to the General Fund of the City. Disbursements shall be made by the City Treasurer on warrants signed by the Chairperson or designated member of the Commission and the Secretary or acting secretary or the Commission, pursuant to powers granted in this Chapter, after designation of signatory authority by resolution of the Commission. However, the

Commission may maintain a separate bank account not exceeding a balance of twenty-five thousand dollars (\$25,000) in addition to current payroll, for meeting salaries, wages and current miscellaneous expenses. Such account shall be designated as a revolving fund and may be drawn upon for such purposes by officials designated by the Commission. An accounting with reference to such account shall be filed monthly with the City *[Auditor]* **officer responsible for accounting.**

8. Such officers and employees of the Commission as the City Council shall direct shall give bond in such amount and type with such security as may be approved by the City Council, which bond shall be filed with the City Auditor and premiums thereon paid from commission funds.

9. The Commission shall be responsible for the design, installation and maintenance of an accounting system which will conform to the requirements of state laws and Charter provisions regarding budgeting, expenditure, receipt and custody of public funds except as specifically modified in this Chapter.

10. The Commission shall provide for a comprehensive independent audit of all funds and accounts of the Commission by a qualified Certified Public Accountant or firm of such accountants selected with the approval of the City Council. The cost of the audit shall be at the expense of the Commission. Copies of the audit report shall be furnished to the City Council and filed with the City Auditor, and a copy shall be sent to the Tax Supervising and Conservation Commission.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1986 Nomination of Candidates Revision

The following measure appeared on the Tuesday, May 20, 1986 Primary Election Ballot.

REVISING REQUIREMENTS FOR NOMINATING CANDIDATES FOR CITY OFFICE BY PETITION

QUESTION: Shall the procedure for the nomination of candidates for City office by petition be revised to conform with state statutes?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT : Allows the nomination of any person as a candidate for City office by a single petition signed by 100 registered voters rather than requiring each such voter to sign a separate nominating certificate as presently required. The form of the petition will be as specified by state statute. Prohibition against signing more than one petition for the same office is removed. Requires the Auditor to supply sufficient petitions to persons requesting them.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34031 ADOPTED FEBRUARY 12,1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith,' approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by revising the requirements for nominating candidates for City office by petition.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by amending Section 3-108 to read as follows:

Section 3-108. Nomination by Petition. As an additional method of seeking nonpartisan nomination any person then eligible or who will be eligible at the time of taking office may file with the Auditor a nominating petition[s] within the time and in the manner provided in this Section.

(a) Nomination, Petition[, Certificates]. The petition for the nomination of every candidate shall consist of no less than one hundred (100) individual [certificates] signatures. The form of the petition shall be as specified by statute. [Each certificate shall be of uniform size to be determined by the Auditor, shall be signed and verified by one registered voter and shall contain the name of only one candidate.]

[If a legal voter signs certificates for more than one person for the same office, the first certificate filed shall be accepted but all certificates of said voter subsequently filed shall be rejected.]

[(b) Form of Certificate. The form of certificate shall be substantially as follows:

INDIVIDUAL NONPARTISAN NOMINATION CERTIFICATE

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

I do hereby join in a petition for the nonpartisan primary nomination Of _____ whose residents is at No. _____ Street (or Avenue), Portland, Oregon, for the office of _____ (if a candidate for Commissioner, state the official number of position) to be voted for at the municipal non- partisan election to be held in the City on the _____ day of _____, 19____. And I make oath and say that I am a registered voter in the City of Portland, and have not signed certificates nominating any other candidate for this City elective office; that my residence is at No. _____ Street, Portland, Oregon. Subscribed and sworn to before me this ____ day of _____, 19____. _____

By _____

Notary Public for Oregon

My Commission expires _____

The said petition for nomination of which this certificate forms a part, if found defective, shall be returned to _____ at No. _____ Street, Portland, Oregon.]

[[c]] (b) Filing Petitions. The said petition consisting of at least one hundred (100) sufficient [certificates,] **signatures** shall be presented to the Auditor for filing within the time prescribed by statute for partisan primary elections or, in the case of nomination at a general election, then not later than seventy (70) days before the general election. The Auditor shall endorse thereon the day and hour of its presentation and by whom presented. If the petition appears sufficient the Auditor shall file the same at once, but such filing shall not prevent rejection of certificates subsequently within three (3) days if found improper or defective.

[[d]] (c) Amendment of Petition. If, upon examination by the Auditor, the petition be found not to conform to the provisions of this Charter, the Auditor shall state immediately in writing on said petition the reason why it cannot be filed. The Auditor shall then within three (3) days, return the defective petition, personally or by mail, to the person designated for that purpose. Within five (5) days of its return by the Auditor the petition may be amended and again presented for filing. In no case shall any petition be received or considered after the final day fixed by statute relating to partisan elections for filing of declarations of candidacy.

[[e]] (d) Nominee's Acceptance. The acceptance of any person nominated under this Section shall be filed with the petition with the Auditor, and in the absence of such acceptance the petition[s] shall not be filed. Such acceptance shall be substantially in the following form: State of Oregon) County of Multnomah) ss. City of Portland) I, _____ of No. _____ Street (or Avenue), Portland, do hereby accept nomination for the office of (if nominated for Commissioner, state the official number of position. If elected I will qualify.

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

By _____

Notary Public for Oregon

My Commission expires _____

[[f]] **(e)** Validity The validity or legality of an election shall not be in any way affected by any defect or irregularity in any nominating petition. If the Auditor finds that a nominee is not a registered voter or would otherwise be unable to qualify at the beginning of his or her term if elected, or if other material defect is found by the Auditor which is not remediable, as provided in the previous subsection to this Section permitting amendments, then the nomination shall be rejected.

[[g]] **(f)** Forms Supplied by Auditor. It shall be the duty of the Auditor, upon application, to **furnish sufficient petition forms to allow** two hundred(200) *[printed forms of such individual certificates]* signatures and two (2) forms of acceptance of nomination.

[[h]] **(g)** Preservation of Nomination Petitions. The Auditor shall pre-serve in the Auditor's Office for a period of four (4) years, and during the pendency of litigation relating to the election, all papers relative to nomination.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1986 Local Improvement Costs Charter Change

The following measure appeared on the Tuesday, May 20, 1986 Primary Election Ballot.

BALLOT TITLE

CAPTION: Revising Procedures for Assessing, Collecting, and Financing Local Improvement Costs

QUESTION: Shall the current Charter procedures for assessing, collecting, and financing local improvement costs be clarified and revised?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT : Permits Council to determine interest rates, charges, penalties, bond maturity dates and installment payment dates relating to local improvements. Removes interest ceiling on improvement bonds. Revises accounting practices and other internal procedures for assessing, collecting, and financing of local improvement costs. Clarifies items included in local improvement costs. Eases restrictions on applying for installment payment program. Standardizes delinquency date for unpaid assessments and installment payments. Changes administrative procedure for selling property to collect unpaid assessments.

1986 Civil Service System Revision

The following measure appeared on the November 4, 1986 General Election Ballot

REVISING THE CLASSIFIED CIVIL SERVICE SYSTEM

QUESTION: Shall Civil Service System be revised to transfer personnel administration duties from the Civil Service Board to the Personnel Bureau?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT: Reassigns daily personnel administration from Civil Service Board to Personnel Bureau. Board continues to review employee discipline and dismissals and other appeals. Personnel Bureau supervises job classification and reclassification procedure, recruitment and testing of job candidates. Expands number of candidates eligible for vacancy from three to five. Facilitates hiring of physically or mentally handicapped, unskilled and semiskilled workers. Permits Personnel Bureau to develop apprenticeship and training programs. Revisions become effective July 1, 1987.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34157 ADOPTED AUGUST 20, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled.

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by repealing Sections 4-102 through 4-129 and enacting new provisions in lieu thereof

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Sections 4-102 through 4-129 of the Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith, " approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby are repealed and new provisions enacted in lieu thereof to read as follows:

CHAPTER 4 CIVIL SERVICE

ARTICLE 1. PRINCIPLES AND ADMINISTRATION

Section 4-102. Policy and Purpose. It is the Purpose Of this Chapter to establish for the City a system of personnel administration which:

(1) Provides all citizens with a fair and equal opportunity for public service;

(2) Establishes conditions of service which will attract and retain officers and employees of good character, technical knowledge, skill and ability,

(3) Improves the efficiency and economy of the agencies of City service by the improvement of methods of personnel administration.

Section 4-103. Definitions. As used in this Chapter, unless the context clearly requires otherwise.

(1) "Appointing Authority" means the Commissioner-in-Charge of a Bureau and the City Auditor.

(2) "Class" or "classification," means a group of positions in the City classified service sufficiently alike in duties, authority, and responsibility that the same qualification may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.

(3) "Board" means the Civil Service Board.

(4) "Department" means the Bureau of Personnel Services.

(5) "Director" means the Director of the Bureau of Personnel Services.

(6) "Permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this chapter after completing the probationary period which applies.

Section 4-104. Civil Service Board. The Civil Service Board shall consist of three (3) Commissioners. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the Mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City.

Section 4-105. Offices and Equipment of the Civil Service Board. The Council shall furnish the Board with suitable offices, books and stationery, and through the Department, provide administrative support and clerical assistance reasonably necessary for the Board to perform its duties under this Chapter.

Section 4-106. Duties of the Board. The duties of the Board shall be:

(1) Review any classification action taken by the Director affecting an employee in the classified service, where the employee alleges such action to be without a rational basis or contrary to law or rule or taken for political reason. The Board shall set aside such action if it finds these allegations to be correct and remand the decision back to the Personnel Director for further review.

(2) Review the suspension, demotion or discharge of permanent employees in the classified service, where the employee alleges the discipline was for a political or religious reason, or was not in good faith, for the purpose of improving the public service. If the Board finds these allegations to be correct, the Board may order the employee's reinstatement upon such terms or conditions as may be imposed by the Board.

(3) Review appeals by candidates for appointment or promotion to positions in the classified service, where the applicant for appointment or employee/candidate for promotion alleges that the Director failed to follow rules promulgated by the Director under this Chapter for selecting candidates for appointment or promotion to classified positions. If the Board finds the allegation to be correct, the Board shall order such action as it deems necessary to fulfill the purposes and principles of this Chapter.

ARTICLE II. CATEGORIES OF SERVICE

Section 4-107. Classification, Minimum Qualifications for Each Class.

(1) The Department, under the supervision of the Director, shall adopt a classification plan which shall group all positions in the classified service in classifications based on their duties, authority and responsibilities; and which shall set forth for each classification a class title, a statement of the minimum qualifications, duties and authority and responsibility thereof

(2) In adopting a classification system, the Department shall consult with the Appointing Authorities, bureau directors, managers and employees involved. In determining the appropriate class for a position, the focus of the Department shall be limited to the duties and responsibilities assigned to the position, the knowledge and skills needed to perform the duties and the relationship of the position to other classes in the classification plan. The Director shall avoid the proliferation of "single person classifications."

(3) The Director shall conduct a periodic review of the classification plan to ensure that all positions are allocated appropriately to classifications within the plan. The classification plan and amendments thereto shall be subject to the approval by the Council.

Section 4-108. Reclassifications. A reclassification is the reallocation of a position from one classification to another classification caused by substantial changes in the duties, authority and responsibility of the position. Reclassifications must be based on a finding that the duties and responsibilities of a position have been or shall be significantly enlarged, diminished or altered.

ARTICLE 111. APPOINTMENTS AND PROMOTIONS

Section 4-109. Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director.

(1) Recruiting, selecting and promoting employees shall be on the basis of relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants, without regard to race, color, religion, marital status or other non-job related factors.

(2) The Director shall establish procedures for recruitment and selection which shall include adequate public notice, affirmative action to seek out underutilized members of minority groups or women where they are underutilized, and job related testing.

(3) Competition for specific positions may be limited to facilitate employment of those with a substantial physical or mental impairment or for purposes of implementing a specific affirmative action program.

(4) Appointments to positions in the classified service shall be made on the basis of qualifications and merit by selection from eligible lists established by the Department. To fill a vacancy, the Department shall certify to the appointing authority the names of the five (5) eligible candidates standing highest upon the register for the classification. Scores may be banded where no statistically significant difference exists between candidate scores on an examination.

(5) Non-competitive selection and appointment procedures may be used for unskilled or semiskilled positions, or where job related ranking measures are not practical or appropriate. Nothing in this Chapter shall prevent the Director from adopting selection procedures which follow the principles of "apprenticeship and training" an alternative to written tests. Where "apprenticeship and training" principles are utilized, minimum qualifications and performance requirements and duties of a classification may be appropriately modified to permit appointment and promotion of trainees to positions normally filled at full proficiency level.

(6) The Department shall establish systems to provide opportunities for promotion through training, education and career development assignments in addition to the regular competitions by examination.

Section 4.110. Temporary Appointments.

(1) Temporary appointments shall be used for the purpose of meeting emergency, non-recurring and short-term workload needs of the City. However, such appointments do not carry with them "status" in the classification and are outside the classified service, and they shall not be used to defeat the open competition and objective selection procedures established by the Director.

(2) Temporary appointments may be made by the Appointing Authority in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in emergencies to prevent delay or injury to the public service, to meet a non-recurring or short-term workload need, or when the position is authorized for a seasonal period not to exceed five (5) months in duration.

(3) Each Bureau shall report its use of temporary employment to the Director each fiscal year, including the duration and reason for use or extensions, if any. The Director shall report such use to the City Council.

ARTICLE IV. RULES AND REGULATIONS

Section 4-111. Procedures.

(1) The Director shall make rules to carry out the purpose and provisions of this Chapter.

(2) Prior to the adoption, amendment or repeal of any rule by the Director, the Director shall give public notice of the proposed action at least fifteen (15) days prior to the effective date by mailing the notice to each Council member, all Bureau Directors, and every labor organization representing City employees pursuant to ORS Chapter 243. Any person interested in such rules may attend a hearing scheduled by the Director and give evidence or testimony, or may present such evidence in writing on or before a date established by the Director. After any hearing or after the date established by the Director for receipt of evidence if a hearing is not to be held, the proposed rules shall be submitted to the City Council for approval by resolution. The proposed rules shall then be adopted and filed with the Director.

ARTICLE V. HEARINGS AND APPEALS

Section 4-112. Demotion, Suspension and Termination.

(1) No employee holding a permanent position in the classified service shall be demoted, suspended or terminated, except for cause, a written statement of which shall be served upon said employee and a duplicate filed with the Director. Any employee so removed may, within ten (10) days from the action, file with the Director a written demand for a hearing before the Board. The demand must state the grounds for the appeal. The hearing before the Board shall be confined solely to determination of the question whether the decision was or was not for a political or religious reason, or was or was not made in good faith for the purpose of improving the public service. This provision shall not apply to any employee for whom there exists a grievance procedure unless a collective bargaining agreement expressly authorizes an appeal to the Board as the method or alternative method to obtain a review of the decision.

(2) The Director shall submit to the Board proposed rules and regulations to carry out the purposes of this section. The provisions of Article IV, pertaining to notice and adoption of rules by the City Council, shall apply to adoption of rules by the Board pursuant to this section.

Section 4-113. Classification Actions, Appeals.

(1) Before requesting the reclassification of any position, proposing a new classification, or proposing that a classification be abolished, the Bureau Head shall give written notice of the request or proposal to the Director who shall give written notice to the employee(s) affected, if any, and to each labor organization representing City

employees in the classified service. The requirement of written notice shall also apply to a classification action that the Director initiates.

(2) Any employee adversely affected by a change in classification, or whose request was denied, and any appointing authority who disagrees with the classification determination, may file with the Director, a written request for reconsideration thereof, and must be given a reasonable opportunity to be heard thereon by the Director.

(3) Any employee or appointing authority who is aggrieved by the Director's decision on an appeal under subsection (2) above, may have that decision reviewed by the Board, if the employee or appointing authority submits a written request alleging that there is no rational basis to support the Personnel Director's decision, or that the decision is contrary to a provision of this Chapter, to law or to rule, or is for a political reason. The Director shall adopt rules to carry out the purposes of this section pursuant to the rule making authority provided by this Chapter.

(4) Absent an appeal to the Director concerning a classification action, the action shall take effect upon approval by the City Council as a consent calendar item.

Section 4-114. Examination; Appeals.

(1) Any person aggrieved by the Director's decision in the examination process for appointment or promotion to a position in the classified service must be given, at the candidate's written request, a reasonable opportunity to be heard thereon by the Director.

(2) Any candidate for appointment or promotion, aggrieved by the Director's decision on the appeal referred to in subsection (1) above, is entitled to have that decision reviewed by the Board if the employee submits a written request to the Board for such review not later than fifteen (15) days after the Director's decision. The request must allege that the decision by the Director was contrary to rules promulgated for examinations, or that the decision was contrary to law or for a political reason.

ARTICLE VI. JUDICIAL REVIEW

Section 4-115. Appeals. The final decision of the Board on any appeal to the Board shall be subject to review by the Circuit Court in the manner provided by statute for review of quasi-judicial decisions of lower tribunals.

ARTICLE VII. EFFECTIVE DATE

This Chapter shall become effective on July 1, 1987.

NOTE

The Act and Charter Sections printed above represent the new provisions which would be enacted if Ballot Measure 51 passes. What follows is the existing law which Measure 51 seeks to repeal.

Section 4-102. Civil Service Board. The Civil Service Board shall consist of

three (3) Commissioner. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City. [Ch. 1903, sec. 307; rev. 1914, sec. 98; 1928pub., sec. 98; 1942 recod., sec. 4-102; am. Nov. 2, 1982.]

Section 4-103. Secretary. The Board shall appoint a Secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as it may prescribe. The Secretary shall hold office during the pleasure of the Board, at a salary fixed by the Council. [Ch. 1903, sec. 308; am. May 3, 1913, sec. 308, rev. 1914, sec. 49, 1928pub., sec. 99, 1942 recod., sec. 4-103; am. Nov. 2, 1982.]

0 Section 4-104. Classification. The Board shall classify, with reference to the examinations hereinafter provided for, all of the offices, places and employments in the public service of the City to which the provisions of this Article are applicable. Such classification shall be based upon the respective functions of said offices, places and employments, and the compensation attached thereto, and shall be arranged so as to permit the grading of offices, places and employments of like character in groups and subdivisions. The offices, places and employments so classified shall constitute the Classified Civil Service of the City; and after the taking effect of this Charter, no appointment or promotion to any such office, place or position shall be made except in the manner provided in this article. [Ch. 1903, sec. 309; rev. 1914, sec. 100; 1928pub., sec. 100; 1942 recod., sec. 4-104.]

Section 4-105. Rules and Records. The Board shall make rules to carry out the purpose and provisions of this Chapter, which rules shall provide, in detail, the manner in which examinations shall be held, and the appointments, promotions and removals made in pursuance thereof. The Board may, from time to time, change its rules. Such rules, and all changes therein, shall be printed for distribution by the Board and the Board shall, not less than ten (10) days before the same go into effect, give public notice of said rules and proposed changes therein. The Board shall keep on file all papers, documents, and communications received by it. All records and files of the board shall be public and accessible at convenient times, except test questions, examination papers and the markings thereof. Examination papers and the markings thereof shall be open to inspection only by candidates who took such examinations for a period of thirty (30) days after the results of examinations are officially announced by the Board. Thereafter examination papers and the markings thereof shall not be open to inspection except as provided in Section 4-108 of this Charter and need not be preserved for more than five (5) years. [Ch. 1903, sec. 310; rev. 1914, sec. 101; 1928pub., sec. 101; 1942 recod., sec. 4-105; am. May 17, 1946; am. Nov. 2, 1982.]

Section 4-106 Examinations. The Board shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the Classified Civil Service. Said entrance examinations shall be open to all persons who possess such qualifications as may be prescribed by the Board. Notice of the time, place and general scope of

every examination shall be given by the Board by publication in the City official newspaper once each week for two (2) successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two (2) weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants. No question in any examination shall relate to political or religious opinion, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the City is designated by the Board, such person shall, without being entitled to extra compensation therefore act as such examiner. Any Commissioner may act as an examiner.

Applicants for police officer and fire fighter positions shall be limited to citizens of the United States. The Board may, by rule, establish minimum and maximum ages at the time of appointment of police officers and fire fighters when it finds that age limits are a bona fide occupational requirement reasonably necessary for the normal operation of the police and fire bureaus. [Ch. 1903, sec. 3 1 1; rev. 1914, sec. 102; 1928 pub., sec. 102; am. Nov. 6, 1934; am. Nov. 8, 1938; 1942 recod., sec. 4-106; am. May 17, 1946, am. Nov. 2, 1982.1

Section 4-10 7. Register of Positions. The Board shall prepare and keep a register for each grade or class positions in the Classified Civil Service of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon such register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. The Board may, by rule, provide for striking candidates from the register after they have remained thereon for a specified time, and may limit the number of times the same candidate shall be certified to the appointing authority. [Ch. 1903, sec. 312; rev. 1914, sec. 103; 1928 pub., sec. 103; 1942 recod., sec. 4-107]

Section 4-108. Vacancies and Reappointments. Whenever there is a vacancy in any position in the Classified Civil Service, the appointing authority shall

immediately notify the Board thereof If the vacancy is in a position that exercises management authority over an office or bureau that reports directly to the appointing authority, the Board shall thereupon certify to such appointing authority the names and addresses of the five (5) eligible candidates standing highest upon the register for the classification to which that position belongs. In all other cases the Board shall thereupon certify to such appointing authority the names and addresses of the three (3) eligible candidates standing highest upon the register for the class or grade to which such position belongs, but, if there be less than three(3), the Board shall so certify all such candidates upon the register. When vacancies exist in two (2) or more positions of the same class in the same department at the same time, the Board may certify a less number than three (3) candidates for each position, but those certified must be the eligible candidates standing highest upon the register. The appointing authority may interview the candidates so certified and shall be entitled to inspect their examination papers. The appointing authority shall appoint to each vacant position, on probation for a period to be fixed by the rules, one of the candidates so certified. Within such period, the appointing authority may discharge such probationer, and, in a like manner, appoint another of such candidates; but the appointing authority must appoint from said list of candidates unless, upon reasons assigned in writing by the appointing authority, the Board consents to and does certify a new list of candidates. If a probationer is not discharged within the period of probation, the appointment shall be deemed permanent. The appointing authority shall immediately notify the Board of any appointment or discharge. [Ch. 1903, sec. 313; rev. 1914, sec. 104, 1928 pub., V, sec. 104; 1942 recod., sec. 4-108, am. Nov. 2, 1982.]

Section 4-109. Temporary Appointments. Temporary appointments may be made by the appointing authority to positions in the classified service in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in extraordinary emergencies to prevent delay or injury to the public business or when the position is authorized for a seasonal period not to exceed five (5) months in duration. Upon expiration of the authorized period, a temporary position to

perform similar duties shall not be authorized. [Ch. 1903, sec. 314; rev. 1914, sec. 105; 1928pub., sec. 105; 1942 recod., sec. 4-109; am. Nov. 2, 1982.]

Section 4-110. Restrictions on Appointments. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the Classified Civil Service unless such person shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made. [Ch. 1903, sec 315; rev 1914, sec. 106; 1928pub.sec 106; am. Nov 6, 1934; 1942 recod., sec 4-110; am. Nov. 2, 1982.]

Section 4-111. Promotions. The Board shall, by its rules, provide for promotions in the classified service, on the basis of ascertained merit and seniority in service, and standing upon examination, and shall designate the classifications in which vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the lower ranks established by the Board for each department as desire to submit themselves to such examination; and the Board shall certify to the appointing authority the names of the three (3) highest ranking applicants, or the names of the five (5) highest ranking applicants if the vacant position is managerial, for each promotion; and the promotion shall thereupon be made as in case of original appointments. The method of examining and the rules governing the same and the method of certifying shall be the same, as near as may be, as provided for applicants for original appointments. [Ch. 1903, sec. 316; rev. 1914, sec. 107; 1928pub., sec. 107; 1942 recod., sec. 4-1 1 1; am. Nov. 2,1982.1

Section 4-112. Removals and Investigations. No employee in the Classified Civil Service who shall have been permanently appointed under the provisions of this Chapter shall be removed or discharged, or in the case of the members or officers of the Bureau of Police, demoted except for cause, a written statement of which in general terms shall be served upon said employee and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. In the Bureau of Police removal, discharge or demotion may be made only after a hearing before the Mayor, Chief of Police, or a discipline Committee of superior officers appointed as may be provided by ordinances, said hearing to be based on written charges filed by the Mayor, Chief of Police, Inspector of Police, or other superior officer of the Bureau of Police. Any employee so removed or demoted may within ten (10) days from this removal or demotion file with the Board a written demand for investigation. If such demand shall allege, or, if it shall otherwise appear to the Board that the discharge or removal, and in the case of the Bureau of Police, demotion, was for political or religious reasons, or was not in good faith, for the purpose of improving the public service, the matter shall forthwith be investigated by or before the Board, or by or before some officer or Board appointed by the Board to conduct such investigation. The investigation shall be confined solely to the determination of the question of whether such removal or discharge, or, in the case of the Bureau of Police, demotion, was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employee. On such grounds the Board may find that the employee is entitled to reinstatement upon such terms or conditions as may be imposed by the Board, or may affirm the employee's removal. The findings of the Board shall certified to the appointing officer and shall forthwith be enforced by such officer. [Ch. 1903, Part of sec. 317;am.june 7,1909, part of sec. 317;am. May3,1913,part of sec. 317; rev. 1914, sec. 108,1928pub., sec. 108, am. Nov. 6,1934; 1942 recod., sec. 4-112.]

Section 4-113. Suspension and Reduction of Force. Any appointing authority may suspend a subordinate for a reasonable period, but if the suspension exceeds thirty (30) days or occurs more than once in twelve (12) months it shall be deemed a removal and subject to investigation in like manner. If at any time the Council or other City authority shall abolish any office or employment, or reduce the number of employees, discharges shall be made in the inverse order of appointment, and if such offices or places shall again be created or reinstated the employees so removed shall have preference for reappointment in the order of their original appointment. [Ch. 1903, Part of sec. 317; am. June 7, 1909, Part of sec-317; am. May3,1913, part of sec-317,rev. 1914, sec. 109; am. June 7, 1915; 1928pub., sec. 109; 1942 recod., sec. 4-113; am. Nov. 2, 1982.]

Section 4-114. Equal Employment Opportunity. The Board may adopt and enforce rules to implement federal and State laws, regulations and orders pertaining to nondiscrimination in all employment pursuant to this Chapter. [New Sec. Nov. 2, 1982.]

Section 4-116. Reports to Council. The Board shall report to members of the Council all personnel actions taken or ratified at its regular and special meetings. The Mayor may require a report from the Board at any reasonable time. [Ch. 1903, part of sec. 317, am. June 7, 1909, part of sec. 317, am. May 3, 1913, part of sec. 317; rev. 1914, sec. 111; 1928 pub., sec. 111; 1942 recod., sec. 4-116, am. Nov. 2, 1982.]

Section 4-117. Offices and Equipment. The Council shall furnish the Board with suitable offices, office furniture, books, stationery, blanks, heat and light and shall provide for the payment of such other expenses as may necessarily be incurred in carrying out the provisions of this Article. [Ch. 1903, sec. 318; rev. 1914, sec. 112, 1928 pub., sec. 112; 1942 recod., sec. 4-117.1]

Section 4-118. Roster and Payroll. It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the Classified Civil Service of the City. This roster shall be open for inspection at all reasonable hours. It shall show in reference to each of said persons the name, the date of appointment to or employment in such service, the compensation, the title of the place or office held, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employees of the City to give the Board all the information which may be reasonably requested, or which the regulations established by the Board may require, in aid of the preparation or continuance of said roster, and so far as practicable, it shall indicate whether any and what persons are holding any and what offices or places aforesaid in violation of this Article or of any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the City officer responsible for accounting the name of each person appointed or employed in the Classified Civil Service stating in each case the title or character of the office or employment, the date of the commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the City officer responsible for accounting in like manner every change occurring in any office or employment in the Classified Civil Service forthwith on the occurrence of the change. No officer or employee of the City shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the Classified Civil Service who is not certified by the Board to the City officer responsible for accounting as having been appointed or employed in pursuance of this Article and of the regulations in force thereunder. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in an action in the name of the City from any officer or employee of the City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for payment thereof, and from the sureties on such officer's official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action, be paid into the City treasury. [Ch. 1903, sec 319; rev. 1914, sec 113; 1928 pub, sec. 113; 1942 recod., sec 4-118; am. May 20, 1986.]

Section 4-119. Investigations. The said Commissioners may make investigations concerning the facts in respect to the execution of the provisions of this Article, and of the regulations established under its authority. in the course of any investigation made by the Board under the provisions of this Article each Commissioner and the Secretary shall have the power to administer oaths. Said Board shall have the power, for the purpose of this Article, to examine into books and records, compel the production of books, papers, records or documents, subpoena witnesses, and compel their attendance and examination, as though such subpoena had issued from a court of record of this State, and all officers and employees of the City shall afford the said Board all reasonable facilities in conducting any investigations authorized by this Article, and give inspection to said Board of all books, papers and documents belonging or in anywise appertaining to any offices or departments of the City; and, also, shall produce said books and papers, and shall attend and testify when required to do so by said Commissioners without receiving any extra or special compensation therefore. Willful false swearing in such investigations and examinations shall be perjury and punishable as such. [Ch. 1903, sec. 320, rev. 1914, sec. 114, 1928 pub., sec. 114; 1942 recod., sec. 4-119.]

Section 4-120. Misdemeanors of Commissioners, Examiners and Others. Any Commissioner, examiner, or any other person who shall willfully, individually or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his

or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Chapter, or who shall willfully and falsely, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Chapter, or aid in so doing or shall willfully make any false representations concerning the same, or concerning the persons examined, registered or certified, or who shall willfully obtain or furnish to any person any test questions, answers or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, registration or application, or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor [Ch. 1903, sec. 321; rev. 1914, sec. 115; 1928pub., sec. 115; 1942 recod., sec. 4-120, am. Nov..2, 1982.]

Section 4-121. Prohibition on Political Assessments. No person in the national public service or the public service of the State or any civil division thereof, including counties, cities, and towns, shall directly or indirectly use his or her authority or official influence to compel or induce any person in the public service of the City to pay or to promise to pay any political assessment, subscription, or contribution. Every person who may have charge or control in any building, office, or room, occupied for any purpose of said public service of the City, is hereby authorized to prohibit the entry of any person into the same for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscriptions or contribution, and no person shall enter or remain in any said office, building, or room, or send or direct any letter or other writing thereto for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of demand, collect or receive any such assessment, subscription or contribution; and no person shall prepare or make out, or take part in the preparing or making out of any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the public service of the City, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment by any person in said public service.

Any person who shall be guilty of violating any provision of this Section shall be deemed guilty of a misdemeanor. [Cb. 1903, sec. 322; rev. 1914, sec. 116; 1928 pub., sec. 116, 1942 recod., sec. 4-121.]

Section 4-122. Bribery of Public Officers or Employees. Whoever, being a public officer, or being in nomination for, or while seeking a nomination or appointment for, any public office, shall use, or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aide any person to secure any office or appointment in the public service, or any nomination, confirmation, or promotion, or increase of salary on consideration that the vote, political influence, or action of the last-named person, or any other, shall be given or use in behalf of any candidate, officer, or political party or association, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery; and however, being a public officer or employee, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employee, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge, or promotion of any public officer or public employee, or upon any corrupt consideration, shall also be guilty of bribery, or an attempt of bribery; and every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall upon conviction thereof, be liable to be punished by a fine of not less than fifty dollars (\$50) or more than one thousand dollars (\$1,000), or to be imprisoned not less than ten (10) days or more than two (2) years, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted to be a public officer such officer shall, in addition to any other punishment imposed, be deprived of office and be ineligible to any public office or employment for ten (10) years thereafter. The phrase "public officer" shall be held to include all public officials within this City, whether paid directly or indirectly from the public treasury of the State or of the United States, or from that of any civil division thereof, including counties, cities, and towns; and whether by fees or otherwise; and the phrase "public employees" shall be held to include every person not being an officer who is paid from any such treasury. [Cb. 1903, sec. 323; rev. 1914, sec. 11 7; 1928pub., sec. 11 7; 1942 recod., sec. 4-122.]

Section 4-124. Disregard of Political services and Contributions. No person in the service of the City is for that reason under any obligation to contribute to any political Fund or to render any political service, and no person shall be removed, reduced

in grade or salary, or otherwise prejudiced for refusing to do so. No person in the service of the City shall discharge or promote or degrade, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his or her official authority or influence to coerce the political action of any person or body, or to affect or to interfere with any nomination, appointment or election to public office. [Ch. 1903, sec. 325; rev. 1914, sec. 119; 1928pub., sec. 119; 1942 recod., sec. 4-124.]

Section 4-125. Violations of Civil Service Provisions a Misdemeanor. Whoever makes appointment to office in the public service of the City or selects a person for employment therein contrary to the provisions of this Article or of any regulation duly established under the authority thereof, or willfully refuses or neglects otherwise to comply therewith, or conform to the provisions of this Article, or violates any of such provisions, shall be guilty of a misdemeanor. [Ch. 1903, sec 326; rev 1914, sec 120; 1928 pub., sec 120; 1942 recod. sec 4-125.]

Section 4-126. Penalties and Jurisdiction of Circuit Court. Misdemeanors under the provisions of this Article shall be punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not longer than one (1) year, or by both such fine and imprisonment. The circuit court of the State of Oregon shall have jurisdiction of offenses defined in this Article. [Ch. 1903, sec. 327, am. May 3, 1913, part of sec. 106, 1914 rev. sec. 121; 1928pub., sec. 121; 1942 recod. sec. 4-126]

Section 4-129. Limit of Laid Off and Indefinite Sick Leave Lists. When any person's name shall have been on the laid off list or indefinite sick leave list for a continuous period of more than five (5) years, such name shall be removed from the list and have no further right of appointment except through a new eligible list; but the provisions of this Section shall not apply to civil service employees who shall have gained a promotional position as provided in this Chapter and then by reduction of forces or otherwise than by demotion been restored to their former positions. [New sec. May 17, 1946; am. Nov 2, 1982.]

Section 4-123. Recommendation of Applicants. No recommendation in favor of any person who shall apply for office or place, or for examination or registration under the provisions of this Article or the regulations established under the authority thereof, except as to residence and as to character, and in the case of former employees as to abilities, when said recommendation as to character and abilities is specifically required by said regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under this Article, or under the regulations established under the authority thereof. No recommendation under the authority of this Article shall relate to the religious or political opinions or affiliations of any person whomsoever. [Ch. 1903, sec 324; rev. 1914, sec 118; 1928 pub., sec 118; 1942 recod., sec 4-123.]

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1986 Civil Service System Revision

The following measure appeared on the November 4, 1986 General Election Ballot

REVISING THE CLASSIFIED CIVIL SERVICE SYSTEM

QUESTION: Shall Civil Service System be revised to transfer personnel administration duties from the Civil Service Board to the Personnel Bureau?

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT: Reassigns daily personnel administration from Civil Service Board to Personnel Bureau. Board continues to review employee discipline and dismissals and other appeals. Personnel Bureau supervises job classification and reclassification procedure, recruitment and testing of job candidates. Expands number of candidates eligible for vacancy from three to five. Facilitates hiring of physically or mentally handicapped, unskilled and semiskilled workers. Permits Personnel Bureau to develop apprenticeship and training programs. Revisions become effective July 1, 1987.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34157 ADOPTED AUGUST 20, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled.

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by repealing Sections 4-102 through 4-129 and enacting new provisions in lieu thereof

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Sections 4-102 through 4-129 of the Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith, " approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby are repealed and new provisions enacted in lieu thereof to read as follows:

CHAPTER 4 CIVIL SERVICE

ARTICLE 1. PRINCIPLES AND ADMINISTRATION

Section 4-102. Policy and Purpose. It is the Purpose Of this Chapter to establish for the City a system of personnel administration which:

(1) Provides all citizens with a fair and equal opportunity for public service;

(2) Establishes conditions of service which will attract and retain officers and employees of good character, technical knowledge, skill and ability,

(3) Improves the efficiency and economy of the agencies of City service by the improvement of methods of personnel administration.

Section 4-103. Definitions. As used in this Chapter, unless the context clearly requires otherwise.

(1) "Appointing Authority" means the Commissioner-in-Charge of a Bureau and the City Auditor.

(2) "Class" or "classification," means a group of positions in the City classified service sufficiently alike in duties, authority, and responsibility that the same qualification may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.

(3) "Board" means the Civil Service Board.

(4) "Department" means the Bureau of Personnel Services.

(5) "Director" means the Director of the Bureau of Personnel Services.

(6) "Permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this chapter after completing the probationary period which applies.

Section 4-104. Civil Service Board. The Civil Service Board shall consist of three (3) Commissioners. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the Mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City.

Section 4-105. Offices and Equipment of the Civil Service Board. The Council shall furnish the Board with suitable offices, books and stationery, and through the Department, provide administrative support and clerical assistance reasonably necessary for the Board to perform its duties under this Chapter.

Section 4-106. Duties of the Board. The duties of the Board shall be:

(1) Review any classification action taken by the Director affecting an employee in the classified service, where the employee alleges such action to be without a rational basis or contrary to law or rule or taken for political reason. The Board shall set aside such action if it finds these allegations to be correct and remand the decision back to the Personnel Director for further review.

(2) Review the suspension, demotion or discharge of permanent employees in the classified service, where the employee alleges the discipline was for a political or religious reason, or was not in good faith, for the purpose of improving the public service. If the Board finds these allegations to be correct, the Board may order the employee's reinstatement upon such terms or conditions as may be imposed by the Board.

(3) Review appeals by candidates for appointment or promotion to positions in the classified service, where the applicant for appointment or employee/candidate for promotion alleges that the Director failed to follow rules promulgated by the Director under this Chapter for selecting candidates for appointment or promotion to classified positions. If the Board finds the allegation to be correct, the Board shall order such action as it deems necessary to fulfill the purposes and principles of this Chapter.

ARTICLE II. CATEGORIES OF SERVICE

Section 4-107. Classification, Minimum Qualifications for Each Class.

(1) The Department, under the supervision of the Director, shall adopt a classification plan which shall group all positions in the classified service in classifications based on their duties, authority and responsibilities; and which shall set forth for each classification a class title, a statement of the minimum qualifications, duties and authority and responsibility thereof

(2) In adopting a classification system, the Department shall consult with the Appointing Authorities, bureau directors, managers and employees involved. In determining the appropriate class for a position, the focus of the Department shall be limited to the duties and responsibilities assigned to the position, the knowledge and skills needed to perform the duties and the relationship of the position to other classes in the classification plan. The Director shall avoid the proliferation of "single person classifications."

(3) The Director shall conduct a periodic review of the classification plan to ensure that all positions are allocated appropriately to classifications within the plan. The classification plan and amendments thereto shall be subject to the approval by the Council.

Section 4-108. Reclassifications. A reclassification is the reallocation of a position from one classification to another classification caused by substantial changes in the duties, authority and responsibility of the position. Reclassifications must be based on a finding that the duties and responsibilities of a position have been or shall be significantly enlarged, diminished or altered.

ARTICLE 111. APPOINTMENTS AND PROMOTIONS

Section 4-109. Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director.

(1) Recruiting, selecting and promoting employees shall be on the basis of relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants, without regard to race, color, religion, marital status or other non-job related factors.

(2) The Director shall establish procedures for recruitment and selection which shall include adequate public notice, affirmative action to seek out underutilized members of minority groups or women where they are underutilized, and job related testing.

(3) Competition for specific positions may be limited to facilitate employment of those with a substantial physical or mental impairment or for purposes of implementing a specific affirmative action program.

(4) Appointments to positions in the classified service shall be made on the basis of qualifications and merit by selection from eligible lists established by the Department. To fill a vacancy, the Department shall certify to the appointing authority the names of the five (5) eligible candidates standing highest upon the register for the classification. Scores may be banded where no statistically significant difference exists between candidate scores on an examination.

(5) Non-competitive selection and appointment procedures may be used for unskilled or semiskilled positions, or where job related ranking measures are not practical or appropriate. Nothing in this Chapter shall prevent the Director from adopting selection procedures which follow the principles of "apprenticeship and training" an alternative to written tests. Where "apprenticeship and training" principles are utilized, minimum qualifications and performance requirements and duties of a classification may be appropriately modified to permit appointment and promotion of trainees to positions normally filled at full proficiency level.

(6) The Department shall establish systems to provide opportunities for promotion through training, education and career development assignments in addition to the regular competitions by examination.

Section 4.110. Temporary Appointments.

(1) Temporary appointments shall be used for the purpose of meeting emergency, non-recurring and short-term workload needs of the City. However, such appointments do not carry with them "status" in the classification and are outside the classified service, and they shall not be used to defeat the open competition and objective selection procedures established by the Director.

(2) Temporary appointments may be made by the Appointing Authority in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in emergencies to prevent delay or injury to the public service, to meet a non-recurring or short-term workload need, or when the position is authorized for a seasonal period not to exceed five (5) months in duration.

(3) Each Bureau shall report its use of temporary employment to the Director each fiscal year, including the duration and reason for use or extensions, if any. The Director shall report such use to the City Council.

ARTICLE IV. RULES AND REGULATIONS

Section 4-111. Procedures.

(1) The Director shall make rules to carry out the purpose and provisions of this Chapter.

(2) Prior to the adoption, amendment or repeal of any rule by the Director, the Director shall give public notice of the proposed action at least fifteen (15) days prior to the effective date by mailing the notice to each Council member, all Bureau Directors, and every labor organization representing City employees pursuant to ORS Chapter 243. Any person interested in such rules may attend a hearing scheduled by the Director and give evidence or testimony, or may present such evidence in writing on or before a date established by the Director. After any hearing or after the date established by the Director for receipt of evidence if a hearing is not to be held, the proposed rules shall be submitted to the City Council for approval by resolution. The proposed rules shall then be adopted and filed with the Director.

ARTICLE V. HEARINGS AND APPEALS

Section 4-112. Demotion, Suspension and Termination.

(1) No employee holding a permanent position in the classified service shall be demoted, suspended or terminated, except for cause, a written statement of which shall be served upon said employee and a duplicate filed with the Director. Any employee so removed may, within ten (10) days from the action, file with the Director a written demand for a hearing before the Board. The demand must state the grounds for the appeal. The hearing before the Board shall be confined solely to determination of the question whether the decision was or was not for a political or religious reason, or was or was not made in good faith for the purpose of improving the public service. This provision shall not apply to any employee for whom there exists a grievance procedure unless a collective bargaining agreement expressly authorizes an appeal to the Board as the method or alternative method to obtain a review of the decision.

(2) The Director shall submit to the Board proposed rules and regulations to carry out the purposes of this section. The provisions of Article IV, pertaining to notice and adoption of rules by the City Council, shall apply to adoption of rules by the Board pursuant to this section.

Section 4-113. Classification Actions, Appeals.

(1) Before requesting the reclassification of any position, proposing a new classification, or proposing that a classification be abolished, the Bureau Head shall give written notice of the request or proposal to the Director who shall give written notice to the employee(s) affected, if any, and to each labor organization representing City

employees in the classified service. The requirement of written notice shall also apply to a classification action that the Director initiates.

(2) Any employee adversely affected by a change in classification, or whose request was denied, and any appointing authority who disagrees with the classification determination, may file with the Director, a written request for reconsideration thereof, and must be given a reasonable opportunity to be heard thereon by the Director.

(3) Any employee or appointing authority who is aggrieved by the Director's decision on an appeal under subsection (2) above, may have that decision reviewed by the Board, if the employee or appointing authority submits a written request alleging that there is no rational basis to support the Personnel Director's decision, or that the decision is contrary to a provision of this Chapter, to law or to rule, or is for a political reason. The Director shall adopt rules to carry out the purposes of this section pursuant to the rule making authority provided by this Chapter.

(4) Absent an appeal to the Director concerning a classification action, the action shall take effect upon approval by the City Council as a consent calendar item.

Section 4-114. Examination; Appeals.

(1) Any person aggrieved by the Director's decision in the examination process for appointment or promotion to a position in the classified service must be given, at the candidate's written request, a reasonable opportunity to be heard thereon by the Director.

(2) Any candidate for appointment or promotion, aggrieved by the Director's decision on the appeal referred to in subsection (1) above, is entitled to have that decision reviewed by the Board if the employee submits a written request to the Board for such review not later than fifteen (15) days after the Director's decision. The request must allege that the decision by the Director was contrary to rules promulgated for examinations, or that the decision was contrary to law or for a political reason.

ARTICLE VI. JUDICIAL REVIEW

Section 4-115. Appeals. The final decision of the Board on any appeal to the Board shall be subject to review by the Circuit Court in the manner provided by statute for review of quasi-judicial decisions of lower tribunals.

ARTICLE VII. EFFECTIVE DATE

This Chapter shall become effective on July 1, 1987.

NOTE

The Act and Charter Sections printed above represent the new provisions which would be enacted if Ballot Measure 51 passes. What follows is the existing law which Measure 51 seeks to repeal.

Section 4-102. Civil Service Board. The Civil Service Board shall consist of

three (3) Commissioner. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City. [Ch. 1903, sec. 307; rev. 1914, sec. 98; 1928pub., sec. 98; 1942 recod., sec. 4-102; am. Nov. 2, 1982.]

Section 4-103. Secretary. The Board shall appoint a Secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as it may prescribe. The Secretary shall hold office during the pleasure of the Board, at a salary fixed by the Council. [Ch. 1903, sec. 308; am. May 3, 1913, sec. 308, rev. 1914, sec. 49, 1928pub., sec. 99, 1942 recod., sec. 4-103; am. Nov. 2, 1982.]

0 Section 4-104. Classification. The Board shall classify, with reference to the examinations hereinafter provided for, all of the offices, places and employments in the public service of the City to which the provisions of this Article are applicable. Such classification shall be based upon the respective functions of said offices, places and employments, and the compensation attached thereto, and shall be arranged so as to permit the grading of offices, places and employments of like character in groups and subdivisions. The offices, places and employments so classified shall constitute the Classified Civil Service of the City; and after the taking effect of this Charter, no appointment or promotion to any such office, place or position shall be made except in the manner provided in this article. [Ch. 1903, sec. 309; rev. 1914, sec. 100; 1928pub., sec. 100; 1942 recod., sec. 4-104.]

Section 4-105. Rules and Records. The Board shall make rules to carry out the purpose and provisions of this Chapter, which rules shall provide, in detail, the manner in which examinations shall be held, and the appointments, promotions and removals made in pursuance thereof. The Board may, from time to time, change its rules. Such rules, and all changes therein, shall be printed for distribution by the Board and the Board shall, not less than ten (10) days before the same go into effect, give public notice of said rules and proposed changes therein. The Board shall keep on file all papers, documents, and communications received by it. All records and files of the board shall be public and accessible at convenient times, except test questions, examination papers and the markings thereof. Examination papers and the markings thereof shall be open to inspection only by candidates who took such examinations for a period of thirty (30) days after the results of examinations are officially announced by the Board. Thereafter examination papers and the markings thereof shall not be open to inspection except as provided in Section 4-108 of this Charter and need not be preserved for more than five (5) years. [Ch. 1903, sec. 310; rev. 1914, sec. 101; 1928pub., sec. 101; 1942 recod., sec. 4-105; am. May 17, 1946; am. Nov. 2, 1982.]

Section 4-106 Examinations. The Board shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the Classified Civil Service. Said entrance examinations shall be open to all persons who possess such qualifications as may be prescribed by the Board. Notice of the time, place and general scope of

every examination shall be given by the Board by publication in the City official newspaper once each week for two (2) successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two (2) weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants. No question in any examination shall relate to political or religious opinion, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the City is designated by the Board, such person shall, without being entitled to extra compensation therefore act as such examiner. Any Commissioner may act as an examiner.

Applicants for police officer and fire fighter positions shall be limited to citizens of the United States. The Board may, by rule, establish minimum and maximum ages at the time of appointment of police officers and fire fighters when it finds that age limits are a bona fide occupational requirement reasonably necessary for the normal operation of the police and fire bureaus. [Ch. 1903, sec. 3 1 1; rev. 1914, sec. 102; 1928 pub., sec. 102; am. Nov. 6, 1934; am. Nov. 8, 1938; 1942 recod., sec. 4-106; am. May 17, 1946, am. Nov. 2, 1982.1

Section 4-10 7. Register of Positions. The Board shall prepare and keep a register for each grade or class positions in the Classified Civil Service of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon such register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. The Board may, by rule, provide for striking candidates from the register after they have remained thereon for a specified time, and may limit the number of times the same candidate shall be certified to the appointing authority. [Ch. 1903, sec. 312; rev. 1914, sec. 103; 1928 pub., sec. 103; 1942 recod., sec. 4-107]

Section 4-108. Vacancies and Reappointments. Whenever there is a vacancy in any position in the Classified Civil Service, the appointing authority shall

immediately notify the Board thereof If the vacancy is in a position that exercises management authority over an office or bureau that reports directly to the appointing authority, the Board shall thereupon certify to such appointing authority the names and addresses of the five (5) eligible candidates standing highest upon the register for the classification to which that position belongs. In all other cases the Board shall thereupon certify to such appointing authority the names and addresses of the three (3) eligible candidates standing highest upon the register for the class or grade to which such position belongs, but, if there be less than three(3), the Board shall so certify all such candidates upon the register. When vacancies exist in two (2) or more positions of the same class in the same department at the same time, the Board may certify a less number than three (3) candidates for each position, but those certified must be the eligible candidates standing highest upon the register. The appointing authority may interview the candidates so certified and shall be entitled to inspect their examination papers. The appointing authority shall appoint to each vacant position, on probation for a period to be fixed by the rules, one of the candidates so certified. Within such period, the appointing authority may discharge such probationer, and, in a like manner, appoint another of such candidates; but the appointing authority must appoint from said list of candidates unless, upon reasons assigned in writing by the appointing authority, the Board consents to and does certify a new list of candidates. If a probationer is not discharged within the period of probation, the appointment shall be deemed permanent. The appointing authority shall immediately notify the Board of any appointment or discharge. [Ch. 1903, sec. 313; rev. 1914, sec. 104, 1928 pub., V, sec. 104; 1942 recod., sec. 4-108, am. Nov. 2, 1982.]

Section 4-109. Temporary Appointments. Temporary appointments may be made by the appointing authority to positions in the classified service in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in extraordinary emergencies to prevent delay or injury to the public business or when the position is authorized for a seasonal period not to exceed five (5) months in duration. Upon expiration of the authorized period, a temporary position to

perform similar duties shall not be authorized. [Ch. 1903, sec. 314; rev. 1914, sec. 105; 1928pub., sec. 105; 1942 recod., sec. 4-109; am. Nov. 2, 1982.]

Section 4-110. Restrictions on Appointments. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the Classified Civil Service unless such person shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made. [Ch. 1903, sec 315; rev 1914, sec. 106; 1928pub.sec 106; am. Nov 6, 1934; 1942 recod., sec 4-110; am. Nov. 2, 1982.]

Section 4-111. Promotions. The Board shall, by its rules, provide for promotions in the classified service, on the basis of ascertained merit and seniority in service, and standing upon examination, and shall designate the classifications in which vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the lower ranks established by the Board for each department as desire to submit themselves to such examination; and the Board shall certify to the appointing authority the names of the three (3) highest ranking applicants, or the names of the five (5) highest ranking applicants if the vacant position is managerial, for each promotion; and the promotion shall thereupon be made as in case of original appointments. The method of examining and the rules governing the same and the method of certifying shall be the same, as near as may be, as provided for applicants for original appointments. [Ch. 1903, sec. 316; rev. 1914, sec. 107; 1928pub., sec. 107; 1942 recod., sec. 4-1 1 1; am. Nov. 2,1982.1

Section 4-112. Removals and Investigations. No employee in the Classified Civil Service who shall have been permanently appointed under the provisions of this Chapter shall be removed or discharged, or in the case of the members or officers of the Bureau of Police, demoted except for cause, a written statement of which in general terms shall be served upon said employee and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. In the Bureau of Police removal, discharge or demotion may be made only after a hearing before the Mayor, Chief of Police, or a discipline Committee of superior officers appointed as may be provided by ordinances, said hearing to be based on written charges filed by the Mayor, Chief of Police, Inspector of Police, or other superior officer of the Bureau of Police. Any employee so removed or demoted may within ten (10) days from this removal or demotion file with the Board a written demand for investigation. If such demand shall allege, or, if it shall otherwise appear to the Board that the discharge or removal, and in the case of the Bureau of Police, demotion, was for political or religious reasons, or was not in good faith, for the purpose of improving the public service, the matter shall forthwith be investigated by or before the Board, or by or before some officer or Board appointed by the Board to conduct such investigation. The investigation shall be confined solely to the determination of the question of whether such removal or discharge, or, in the case of the Bureau of Police, demotion, was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employee. On such grounds the Board may find that the employee is entitled to reinstatement upon such terms or conditions as may be imposed by the Board, or may affirm the employee's removal. The findings of the Board shall certified to the appointing officer and shall forthwith be enforced by such officer. [Ch. 1903, Part of sec. 317;am.june 7,1909, part of sec. 317;am. May3,1913,part of sec. 317; rev. 1914, sec. 108,1928pub., sec. 108, am. Nov. 6,1934; 1942 recod., sec. 4-112.]

Section 4-113. Suspension and Reduction of Force. Any appointing authority may suspend a subordinate for a reasonable period, but if the suspension exceeds thirty (30) days or occurs more than once in twelve (12) months it shall be deemed a removal and subject to investigation in like manner. If at any time the Council or other City authority shall abolish any office or employment, or reduce the number of employees, discharges shall be made in the inverse order of appointment, and if such offices or places shall again be created or reinstated the employees so removed shall have preference for reappointment in the order of their original appointment. [Ch. 1903, Part of sec. 317; am. June 7, 1909, Part of sec-317; am. May3,1913, part of sec-317,rev. 1914, sec. 109; am. June 7, 1915; 1928pub., sec. 109; 1942 recod., sec. 4-113; am. Nov. 2, 1982.]

Section 4-114. Equal Employment Opportunity. The Board may adopt and enforce rules to implement federal and State laws, regulations and orders pertaining to nondiscrimination in all employment pursuant to this Chapter. [New Sec. Nov. 2, 1982.]

Section 4-116. Reports to Council. The Board shall report to members of the Council all personnel actions taken or ratified at its regular and special meetings. The Mayor may require a report from the Board at any reasonable time. [Ch. 1903, part of sec. 317, am. June 7, 1909, part of sec. 317, am. May 3, 1913, part of sec. 317; rev. 1914, sec. 111; 1928 pub., sec. 111; 1942 recod., sec. 4-116, am. Nov. 2, 1982.]

Section 4-117. Offices and Equipment. The Council shall furnish the Board with suitable offices, office furniture, books, stationery, blanks, heat and light and shall provide for the payment of such other expenses as may necessarily be incurred in carrying out the provisions of this Article. [Ch. 1903, sec. 318; rev. 1914, sec. 112, 1928 pub., sec. 112; 1942 recod., sec. 4-117.1]

Section 4-118. Roster and Payroll. It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the Classified Civil Service of the City. This roster shall be open for inspection at all reasonable hours. It shall show in reference to each of said persons the name, the date of appointment to or employment in such service, the compensation, the title of the place or office held, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employees of the City to give the Board all the information which may be reasonably requested, or which the regulations established by the Board may require, in aid of the preparation or continuance of said roster, and so far as practicable, it shall indicate whether any and what persons are holding any and what offices or places aforesaid in violation of this Article or of any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the City officer responsible for accounting the name of each person appointed or employed in the Classified Civil Service stating in each case the title or character of the office or employment, the date of the commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the City officer responsible for accounting in like manner every change occurring in any office or employment in the Classified Civil Service forthwith on the occurrence of the change. No officer or employee of the City shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the Classified Civil Service who is not certified by the Board to the City officer responsible for accounting as having been appointed or employed in pursuance of this Article and of the regulations in force thereunder. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in an action in the name of the City from any officer or employee of the City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for payment thereof, and from the sureties on such officer's official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action, be paid into the City treasury. [Ch. 1903, sec 319; rev. 1914, sec 113; 1928 pub, sec. 113; 1942 recod., sec 4-118; am. May 20, 1986.]

Section 4-119. Investigations. The said Commissioners may make investigations concerning the facts in respect to the execution of the provisions of this Article, and of the regulations established under its authority. in the course of any investigation made by the Board under the provisions of this Article each Commissioner and the Secretary shall have the power to administer oaths. Said Board shall have the power, for the purpose of this Article, to examine into books and records, compel the production of books, papers, records or documents, subpoena witnesses, and compel their attendance and examination, as though such subpoena had issued from a court of record of this State, and all officers and employees of the City shall afford the said Board all reasonable facilities in conducting any investigations authorized by this Article, and give inspection to said Board of all books, papers and documents belonging or in anywise appertaining to any offices or departments of the City; and, also, shall produce said books and papers, and shall attend and testify when required to do so by said Commissioners without receiving any extra or special compensation therefore. Willful false swearing in such investigations and examinations shall be perjury and punishable as such. [Ch. 1903, sec. 320, rev. 1914, sec. 114, 1928 pub., sec. 114; 1942 recod., sec. 4-119.]

Section 4-120. Misdemeanors of Commissioners, Examiners and Others. Any Commissioner, examiner, or any other person who shall willfully, individually or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his

or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Chapter, or who shall willfully and falsely, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Chapter, or aid in so doing or shall willfully make any false representations concerning the same, or concerning the persons examined, registered or certified, or who shall willfully obtain or furnish to any person any test questions, answers or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, registration or application, or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor [Ch. 1903, sec. 321; rev. 1914, sec. 115; 1928pub., sec. 115; 1942 recod., sec. 4-120, am. Nov..2, 1982.]

Section 4-121. Prohibition on Political Assessments. No person in the national public service or the public service of the State or any civil division thereof, including counties, cities, and towns, shall directly or indirectly use his or her authority or official influence to compel or induce any person in the public service of the City to pay or to promise to pay any political assessment, subscription, or contribution. Every person who may have charge or control in any building, office, or room, occupied for any purpose of said public service of the City, is hereby authorized to prohibit the entry of any person into the same for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscriptions or contribution, and no person shall enter or remain in any said office, building, or room, or send or direct any letter or other writing thereto for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of demand, collect or receive any such assessment, subscription or contribution; and no person shall prepare or make out, or take part in the preparing or making out of any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the public service of the City, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment by any person in said public service.

Any person who shall be guilty of violating any provision of this Section shall be deemed guilty of a misdemeanor. [Cb. 1903, sec. 322; rev. 1914, sec. 116; 1928 pub., sec. 116, 1942 recod., sec. 4-121.]

Section 4-122. Bribery of Public Officers or Employees. Whoever, being a public officer, or being in nomination for, or while seeking a nomination or appointment for, any public office, shall use, or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aide any person to secure any office or appointment in the public service, or any nomination, confirmation, or promotion, or increase of salary on consideration that the vote, political influence, or action of the last-named person, or any other, shall be given or use in behalf of any candidate, officer, or political party or association, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery; and however, being a public officer or employee, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employee, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge, or promotion of any public officer or public employee, or upon any corrupt consideration, shall also be guilty of bribery, or an attempt of bribery; and every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall upon conviction thereof, be liable to be punished by a fine of not less than fifty dollars (\$50) or more than one thousand dollars (\$1,000), or to be imprisoned not less than ten (10) days or more than two (2) years, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted to be a public officer such officer shall, in addition to any other punishment imposed, be deprived of office and be ineligible to any public office or employment for ten (10) years thereafter. The phrase "public officer" shall be held to include all public officials within this City, whether paid directly or indirectly from the public treasury of the State or of the United States, or from that of any civil division thereof, including counties, cities, and towns; and whether by fees or otherwise; and the phrase "public employees" shall be held to include every person not being an officer who is paid from any such treasury. [Cb. 1903, sec. 323; rev. 1914, sec. 11 7; 1928pub., sec. 11 7; 1942 recod., sec. 4-122.]

Section 4-124. Disregard of Political services and Contributions. No person in the service of the City is for that reason under any obligation to contribute to any political Fund or to render any political service, and no person shall be removed, reduced

in grade or salary, or otherwise prejudiced for refusing to do so. No person in the service of the City shall discharge or promote or degrade, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his or her official authority or influence to coerce the political action of any person or body, or to affect or to interfere with any nomination, appointment or election to public office. [Ch. 1903, sec. 325; rev. 1914, sec. 119; 1928pub., sec. 119; 1942 recod., sec. 4-124.]

Section 4-125. Violations of Civil Service Provisions a Misdemeanor. Whoever makes appointment to office in the public service of the City or selects a person for employment therein contrary to the provisions of this Article or of any regulation duly established under the authority thereof, or willfully refuses or neglects otherwise to comply therewith, or conform to the provisions of this Article, or violates any of such provisions, shall be guilty of a misdemeanor. [Ch. 1903, sec 326; rev 1914, sec 120; 1928 pub., sec 120; 1942 recod. sec 4-125.]

Section 4-126. Penalties and Jurisdiction of Circuit Court. Misdemeanors under the provisions of this Article shall be punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not longer than one (1) year, or by both such fine and imprisonment. The circuit court of the State of Oregon shall have jurisdiction of offenses defined in this Article. [Ch. 1903, sec. 327, am. May 3, 1913, part of sec. 106, 1914 rev. sec. 121; 1928pub., sec. 121; 1942 recod. sec. 4-126]

Section 4-129. Limit of Laid Off and Indefinite Sick Leave Lists. When any person's name shall have been on the laid off list or indefinite sick leave list for a continuous period of more than five (5) years, such name shall be removed from the list and have no further right of appointment except through a new eligible list; but the provisions of this Section shall not apply to civil service employees who shall have gained a promotional position as provided in this Chapter and then by reduction of forces or otherwise than by demotion been restored to their former positions. [New sec. May 17, 1946; am. Nov 2, 1982.]

Section 4-123. Recommendation of Applicants. No recommendation in favor of any person who shall apply for office or place, or for examination or registration under the provisions of this Article or the regulations established under the authority thereof, except as to residence and as to character, and in the case of former employees as to abilities, when said recommendation as to character and abilities is specifically required by said regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under this Article, or under the regulations established under the authority thereof. No recommendation under the authority of this Article shall relate to the religious or political opinions or affiliations of any person whomsoever. [Ch. 1903, sec 324; rev. 1914, sec 118; 1928 pub., sec 118; 1942 recod., sec 4-123.]

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1986 Civil Service Exemption Revision

The following measure appeared on the Tuesday, November 4, 1986 General Election Ballot.

REVISING THE CLASSIFIED CIVIL SERVICE BY EXEMPTING CERTAIN ADDITIONAL PERSONS

QUESTION: Shall the Charter be amended to exempt certain additional persons from the classified civil service?

PURPOSE & EXPLANATION OF CHARTER AMENDMENT: Adds to list of persons exempt from classified civil service all officers reporting directly to one or more members of Council or City Auditor, and law clerks of City Attorney. Amendment applies to such officers and law clerks appointed after December 31, 1986. Exempt persons are not subject to civil service requirements for selection and removal of employees. They are appointed by and serve at pleasure of appointing authority.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34158 ADOPTED AUGUST 20, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled.. "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by amending Section 4-101 to exempt all Bureau Directors and law clerks of the City Attorney from the classified civil service.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 4-101 of said charter hereby is amended to read as follows:

Section 1. Section 4-101. Scope of the Merit System. *[All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, as provided for in this chapter. The provisions of this chapter shall apply to the incumbents of all offices, places and employments in the public service of the City except the following:]* **The classified service consists of all positions in city service except the following:** all officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, **any officer who reports directly to one or more members of the Council or the City Auditor**, the deputies **and law clerks** of the City Attorney, the City Engineer, the Superintendent and Chief Engineer of the Bureau of Water Works, the Secretary of the Civil Service Board and of the Auditor, the Chief Deputy City Auditor, the secretary and administrative staff of each Council member, and the Chief of Police. The Mayor shall appoint a Chief of Police, who shall have had ten (10) years of active police service. The Chief of Police shall be subject to removal by the Mayor. **However, no person holding a civil service classified position on December 31, 1986 shall, by virtue of this Act, be exempt from the classified civil service while holding the position.**

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1987 Hotel Motel Tax

The following measure appeared on the May 19, 1987 Special Election Ballot:

HOTEL-MOTEL (TRANSIENT LODGING) TAX TO CREATE PORTLAND ARTS FUND

QUESTION: Shall Charter be amended to increase hotel-motel (transient lodging) tax from six to eight percent for Portland Arts Fund?

PURPOSE OF THE MEASURE: Amends City Charter to provide for creation of Portland Arts Fund through increase in City hotel-motel (transient lodging) tax from six to eight percent. Revenue to be placed exclusively into Portland Arts Fund to support operation of the Portland Center for the Performing Arts and to support non-profit arts groups through grants from the Metropolitan Arts Commission or such other agency as the City may designate.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO 34255 ADOPTED MARCH 11, 1987

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

'An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith,' approved by the Governor and filed in the Office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time by amending Section 7-110 to increase the tax the City may levy on the money, credit or other things of value paid for lodging, to the owner or operator of any hotel, motel, apartment, lodging house, mobile home or trailer park or court, by two percent, to fund a new fund entitled the 'Portland Arts' fund."

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON:

Section 1. Section 7-110 of the Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or Parts of Acts in conflict therewith, " approved by the Governor and filed in the Office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time is hereby amended to read as follows:

Section 7-110. Transient Lodgings Tax.

1. The Council may by ordinance impose and levy a tax not exceeding five percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons, for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes, or public institutions, or permanent occupancy as defined by ordinance. Minimum rentals

to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charge, at the time of payment of rent. City revenues from such taxes shall be credited to the General Fund of the City and used for general City purposes, as the Council may find appropriate, which may include provision for and the acquisition, construction, operation and maintenance of recreational, cultural, convention or tourist related facilities or services.

2. In addition to any other tax authorized by this Section of the Charter the Council shall by ordinance impose and levy a tax of one percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons, for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes, public institutions, or permanent occupancy as defined by ordinance. Minimum rentals to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charge, at the time of payment of rent. City revenues from such one percent tax increase, after providing for the cost of administration and any refunds or credits authorized by ordinance, shall be used exclusively as provided hereinafter for the promotion, solicitation, procurement, and service of convention business and tourism in the City. Notwithstanding any other provision of this Charter, the City from time to time for periods not to exceed five (5) years, subject to annual review, shall negotiate contracts with a non-profit corporation or with non-profit corporations organized under the laws of Oregon, whose primary purpose during the term of the contract or contracts is the promotion, solicitation, procurement and service of convention business and tourism in the City, for that corporation or corporations to expend revenues collected pursuant to this subsection for the purposes set forth in the subsection. In entering into the contract or contracts, the Council shall consider the recommendations of the persons subject to the tax imposed by this subsection. The Council shall in its sole discretion determine the portion of such revenues to be allocated between convention business and tourism.

3. In addition to any other tax authorized by this Section of the Charter the Council shall by ordinance impose and levy a tax of two percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons, for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes, public institutions, or permanent occupancy as defined by ordinance. Minimum rentals to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charge, at the time of payment of rent. City revenues from such two percent tax increase, after providing for the cost of administration and any refunds or credits authorized by ordinance, shall be exclusively as provided hereinafter for the creation of a dedicated fund entitled the "Portland Arts Fund" which will provide financial support for the Portland Center for the Performing Arts and will support non-profit arts organizations through such City agency as may be designated by the Council.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1988 Phone In Measure

The following measure appeared on the May 17, 1988 Primary Election Ballot:

Amend Charter to Allow Participation By Phone in Council Meetings

QUESTION: Shall Charter be amended to allow Council members to participate in meetings by telephone if public able to listen?

PURPOSE OF THE MEASURE: State law allows members of governing bodies to participate in public meetings by telephone or other electronic methods, under certain conditions. This measure would amend City Charter to make it consistent with state law by allow") City Council members to participate in Council meetings by telephone or other electronic methods so long as the public is able to listen to the communication at the time it occurs.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34404 ADOPTED MARCH 2, 1988

THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that the following act be and the same hereby is submitted to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the ensuing municipal election to be held in the City of Portland, Multnomah County, Oregon, on the 17th day of May, 1988.

BE IT ENACTED BY ITO PEOPLE OF THE CITY OF PORTLAND, OREGON:

Section 1. Section 2-144 of the Act of the Legislative Assembly of the State of Oregon entitled "An Act to Incorporate the City of Portland, Multnomah County., State of Oregon, to provide a Charter therefor, and to repeat all acts or parts of acts in conflict therewith," approved by the Governor and filed in the Office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time is hereby amended to read as follows by adding a second sentence:

Section 2-114. Quorum. At any meeting of the Council a majority of the total number shall constitute a quorum, but a lesser number may adjourn or recess from time to time, and may compel the attendance of absent members.

When allowed by ordinance, members may attend and be present at meetings by means of telephone or other electronic communication allowing voice transmission, provided that at least one place is made available for the public entitled to attend to listen to the communication at the time it occurs.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1988 Council Succession Measure

The following measure appeared on the May 17, 1988 Primary Election Ballot

REVISING CHARTER LISTING OF SUCCESSORS TO COUNCIL SEATS IN EMERGENCY

Question: Shall Charter be amended to revise the list of emergency successors to Council?

PURPOSE OF THE MEASURE: This provision applies when a disaster prevents three or more Council members from performing their duties. The current list of successors includes the City Engineer, Treasurer, Police Chief and Fire Chief. These officials will be needed to attend to the disaster. This measure will revise the list as follows: Auditor, Attorney, Director of Office of Fiscal Administration, Executive Assistants of disabled Council members in order of seniority. These officials work daily with City business. To serve, individuals must have the qualifications required of elected officials.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34405 ADOPTED MARCH 2, 1988

THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that an act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of acts in conflict therewith,' approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by revising the list of successors to Council seats in an emergency.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by amending Section 2- 206(g) to read as follows:

Section 2-206 Vacancies in Office, Filling of Vacancies

(g) In the event of the death or crippling disability preventing the performance of Three (3) or more members of the City Council due to natural disaster, calamity, accident or enemy attack, the following City officials in the order named shall succeed to the vacancies on the City Council: City Auditor, City Attorney, *[City Engineer, City Treasurer, Chief of the Bureau of Police, Chief of the Bureau of Fire, assistants to members of the City Council in the order of their seniority as assistants.]* **Director of Office of Fiscal Administration, Executive Assistants of disabled Council members in the order of their seniority as an Executive Assistant. Any individual serving under this section shall have all qualifications required in this charter for an elected official.** The City Council thus constituted shall serve as an interim Council for the purpose of transacting necessary City business, and the City officials serving as members of such interim City Council shall serve without bond, notwithstanding the provisions of Section 2-203 of this Charter and the foregoing provisions relating to qualification. The interim Council so constituted shall as soon as practical select from among qualified citizens of the City of Portland, as defined by Section 2-202 of this Charter, persons to serve as members of the City Council. The persons so selected shall qualify and take an oath of office before entering upon their duties, but such persons shall have sixty (60) days within which to provide bond, notwithstanding the provisions of this Charter making filing thereof a prerequisite to qualifying. The person so selected shall serve until the next regular election. The

City Council as thus constituted shall, if the regularly elected Mayor is not a member thereof, elect one of their number as Mayor. Members of the Council as thus constituted shall serve as City Commissioners by this Charter. The Council as constituted under authority of this subsection shall meet in the City Hall, if possible, but may meet at an alternate location which shall be designated in advance by the Council as an alternate site for the transaction of City business. In the event of martial law, the Council shall be organized as by this subsection provided, and it shall function to the extent possible under the order establishing martial law. The provisions of this subsection shall be supreme in the event it shall be employed, notwithstanding any other provisions of this Charter or ordinances of the City in conflict therewith.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1988 Residency Measure

This measure appeared on the May 17, 1988 PRIMARY ELECTION BALLOT.

REVISES RESIDENCE PROVISIONS FOR APPOINTED CITY OFFICERS AND EMPLOYEES

Question: Shall Charter residency requirement be repealed and replaced with authority to establish a preference system or residence requirement by ordinance?

PURPOSE OF THE MEASURE: Repeals Charter's requirement that City employees hired after January 1, 1984 must become City residents. Authorizes, but does not require, Council to enact by Ordinance either a system giving preference to City residents in hiring and promotion or a system requiring City residence for new employees. Removing mandatory residency requirement from Charter allows Council to adjust system as conditions or laws change and to provide for hardship situations, which is not possible under present requirement. Keeps requirement that an elected officials must be City residents.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34406 ADOPTED MARCH 2, 1988

THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time by amending Section 2-611 (Residence of Officials and Employees) and Section 4-301 (Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director) to revise the residence provisions for appointed officers and employees.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by amending Sections 2-611 (Residence of Officials and Employees) and Section 4-301 (Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director) as follows.

Section 2-611. Residence of Officials and Employees. All elected officials receiving salary or wages from the City shall qualify as elsewhere in this Charter provided, and shall be residents of the City at the time of their election and continuously thereafter while they hold office. The Council may require by ordinance that appointed officers and employees who begin City employment after the effective date of the ordinance be or become City residents. Violation of a residence requirement enacted pursuant to this section shall be cause for demotion, suspension, or termination of an officer or employee, if so provided by Council. The Council may provide by ordinance that applicants for appointment or promotion in the classified service of the City be given preference for appointment or promotion if they are residents of the City at the time of application. [Other officers and employees appointed and continuously employed by the City before January 1, 1984, are not required to reside within the City and their employment shall not be prejudiced or benefitted because of their place of residence. Except as hereinafter provided, other officers and employees who begin City employment on or after January 1, 1984, shall be or become City residents as follows.

(a) The Council may require any temporary employees to be City residents at the time of their employment.

(b) Persons appointed to positions not in the classified service shall be City residents or become City residents within six (6) months after their appointment.

(c) Persons appointed to positions in the classified service shall be City residents or become City residents within six (6) months after their probationary period.

(d) Persons whose place of employment is more than ten (10) miles outside the city boundaries may reside outside the City and they shall not be required to reside within the City while they thereafter remain City employees.

Officers and employees who are required by this Section to be or become City residents shall remain city residents during the period of their employment. Violation of this Section is cause for removal or discharge of any officer or employee of the City.]

Section 4-301. Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director.

1. Recruiting, selecting and promoting employees shall be on the basis of relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants, without regard to race, color, religion, marital status or other non-job related factors[,] except for City residence if residents are given preference pursuant to Section 2-611 of this Charter.

2. The Director shall establish procedures for recruitment and selection which shall include adequate public notice, affirmative action to seek out under-utilized members of minority groups or women where they are under-utilized, and job related testing.

3. Competition for specific positions may be limited to facilitate employment of those with a substantial physical or mental impairment or for purposes of implementing a specific affirmative action program.

4. Appointments to positions in the classified service shall be made on the basis of qualifications and merit by selection from eligible lists established by the Department. To fill a vacancy, the Department shall certify to the appointing authority the names of the five (5) eligible candidates standing highest upon the register for the classification. Scores may be banded where no statistically significant difference exists between candidate scores on an examination.

5. Non-competitive selection and appointment procedures may be used for unskilled or semiskilled positions, or where job related ranking measures are not practical or appropriate. Nothing in this Chapter shall prevent the Director from adopting selection procedures which follow the principles of "apprenticeship and training" as an alternative to written tests. Where "apprenticeship and training principles are utilized, minimum qualifications and performance requirements and duties of a classification may be appropriately modified to permit appointment and promotion of trainees to positions normally filled at full proficiency level.

6. The Department shall establish systems to provide opportunities for promotion through training, education and career development assignments in addition to the regular competitions by examination.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1988 Advertising Measure

This measure appeared on the May 17, 1988 PRIMARY ELECTION BALLOT.

REVISES RESIDENCE PROVISIONS FOR APPOINTED CITY OFFICERS AND EMPLOYEES

Question: Shall Charter residency requirement be repealed and replaced with authority to establish a preference system or residence requirement by ordinance?

PURPOSE OF THE MEASURE: Repeals Charter's requirement that City employees hired after January 1, 1984 must become City residents. Authorizes, but does not require, Council to enact by Ordinance either a system giving preference to City residents in hiring and promotion or a system requiring City residence for new employees. Removing mandatory residency requirement from Charter allows Council to adjust system as conditions or laws change and to provide for hardship situations, which is not possible under present requirement. Keeps requirement that an elected officials must be City residents.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34406 ADOPTED MARCH 2, 1988

THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time by amending Section 2-611 (Residence of Officials and Employees) and Section 4-301 (Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director) to revise the residence provisions for appointed officers and employees.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by amending Sections 2-611 (Residence of Officials and Employees) and Section 4-301 (Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director) as follows.

Section 2-611. Residence of Officials and Employees. All elected officials receiving salary or wages from the City shall qualify as elsewhere in this Charter provided, and shall be residents of the City at the time of their election and continuously thereafter while they hold office. The Council may require by ordinance that appointed officers and employees who begin City employment after the effective date of the ordinance be or become City residents. Violation of a residence requirement enacted pursuant to this section shall be cause for demotion, suspension, or termination of an officer or employee, if so provided by Council. The Council may provide by ordinance that applicants for appointment or promotion in the classified service of the City be given preference for appointment or promotion if they are residents of the City at the time of application. [Other officers and employees appointed and continuously employed by the City before January 1, 1984, are not required to reside within the City and their employment shall not be prejudiced or benefitted because of their place of residence. Except as hereinafter provided, other officers and employees who begin City employment on or after January 1, 1984, shall be or become City residents as follows.

(a) The Council may require any temporary employees to be City residents at the time of their employment.

(b) Persons appointed to positions not in the classified service shall be City residents or become City residents within six (6) months after their appointment.

(c) Persons appointed to positions in the classified service shall be City residents or become City residents within six (6) months after their probationary period.

(d) Persons whose place of employment is more than ten (10) miles outside the city boundaries may reside outside the City and they shall not be required to reside within the City while they thereafter remain City employees.

Officers and employees who are required by this Section to be or become City residents shall remain city residents during the period of their employment. Violation of this Section is cause for removal or discharge of any officer or employee of the City.]

Section 4-301. Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director.

1. Recruiting, selecting and promoting employees shall be on the basis of relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants, without regard to race, color, religion, marital status or other non-job related factors[,] except for City residence if residents are given preference pursuant to Section 2-611 of this Charter.

2. The Director shall establish procedures for recruitment and selection which shall include adequate public notice, affirmative action to seek out under-utilized members of minority groups or women where they are under-utilized, and job related testing.

3. Competition for specific positions may be limited to facilitate employment of those with a substantial physical or mental impairment or for purposes of implementing a specific affirmative action program.

4. Appointments to positions in the classified service shall be made on the basis of qualifications and merit by selection from eligible lists established by the Department. To fill a vacancy, the Department shall certify to the appointing authority the names of the five (5) eligible candidates standing highest upon the register for the classification. Scores may be banded where no statistically significant difference exists between candidate scores on an examination.

5. Non-competitive selection and appointment procedures may be used for unskilled or semiskilled positions, or where job related ranking measures are not practical or appropriate. Nothing in this Chapter shall prevent the Director from adopting selection procedures which follow the principles of "apprenticeship and training" as an alternative to written tests. Where "apprenticeship and training principles are utilized, minimum qualifications and performance requirements and duties of a classification may be appropriately modified to permit appointment and promotion of trainees to positions normally filled at full proficiency level.

6. The Department shall establish systems to provide opportunities for promotion through training, education and career development assignments in addition to the regular competitions by examination.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1988 Purchasing Charter Amendment

The following measure appeared on the May 17, 1988 Primary Ballot.

CHARTER AMENDMENT DELETING CERTAIN PURCHASING PROCEDURES

Question: Shall Charter be amended by deleting purchasing procedures applicable to certain purchases made without a written contract?

PURPOSE OF THE MEASURE: The Charter requires Council to make specific findings for purchases made without a written contract in amounts between \$2,500 and \$20,000 as adjusted by inflation. In 1983 the City updated its purchasing procedures and rules and instituted a system of accountability for these types of purchases. These updated procedures have eliminated the need for the Council action and findings. This measure makes the Charter consistent with updated procedures.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION NO. 34409 ADOPTED MARCH 9,1988

THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that an act entitled.

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith,' approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by deleting purchasing requirements which conflict with adopted Code provisions and rules.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith, approved by the Governor and filed in the office of the Secretary of State January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby is amended by amending Section 8-104 to read as follows:

Section 8- 104. When Written Contracts Required.

The City of Portland shall not be bound by any contract nor in any way liable thereon, unless the same is authorized by an ordinance and made in writing and signed by some person or persons duly authorized by the Council. But an ordinance may authorize any board, body, officer or agent to bind the City without contract in writing for the payment of any sum not exceeding twenty thousand dollars (\$20,000); such amount to be adjusted annually based on the average inflation rate for

the Portland Metropolitan Area as determined from the U.S. Department of Labor statistics as certified by the City Auditor. *[In adopting any ordinance authorizing any board, body, officer or agent to so bind the City for any sum in excess of two thousand five hundred dollars (\$2,500) the Council shall make specific findings as to what classes of items or services may be purchased without a contract in writing authorized by a specific ordinance and the Council shall establish rules and regulations to be followed in purchasing such items].* Notwithstanding the provisions of this Section, however, the Council may waive the written contract requirement when work, materials or supplies are necessary for an emergency involving public safety or health.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1989 Street Lighting Measure

The following measure appeared on the March 28, 1989 Special Election:

THREE YEAR TAX RATE SERIAL LEVY FOR STREET LIGHTING

QUESTION: Shall Portland continue street lighting by levying 49 cents per \$1,000 assessed valuation outside tax base for three years beginning 1989-90?

PURPOSE: This measure would authorize the City to levy taxes for three years for street lighting, including park road and pathway lighting. The proceeds would be used to operate, maintain, repair, construct and renovate the street lighting system. They would also be used for the purchase or lease of new equipment, to provide a reserve fund for future replacement of street lighting facilities, and for other expenses of providing street lighting.

The tax rate would be 49 cents per thousand assessed valuation. The levy would expire in three years. The street lighting system has been paid for through serial levies since 1953. The last levy for street lighting, which was at a rate of 50 cents, has expired.

It is estimated that this tax will raise \$7,097,667.00 in 1989-90, \$7,097,667.00 in 1990-91, and \$7,097,667.00 in 1991-92. This levy is outside the limitation provided in the Oregon State Constitution.

A Measure Referred to the Voters by the City Council Resolution No. 34507, Adopted January 25, 1989

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

'A Measure Directing a Continuing Three-Year Special Tax Levy Within the City of Portland of forty-nine cents (\$.49) per thousand dollars of assessed valuation per year outside constitutional limitations for street lighting and park road and pathway lighting purposes, beginning with the fiscal year 1989-90.'

Be and the same hereby is submitted to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the ensuing municipal election to be held in the City of Portland, Multnomah County, on the 28th day of March, 1989. Each

voter who votes upon said proposed measure shall vote "yes" or "no" in the space indicated for such vote upon the City ballot at said election.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Pursuant to Section 7-109 of the Portland City Charter, the Council shall levy for each of three (3) successive years commencing with the fiscal year 1989-90, at the time taxes are levied for the payment of expenses for the City, a special tax of forty-nine (\$.49) per thousand dollars of the assessed valuation of all property in the City of Portland not exempt from taxation. The proceeds from such levy shall be placed in a special fund to be designated "City of Portland Street Lighting Fund." The money in said fund shall be expended for one or more of the following purposes in connection with the lighting of the streets and public ways, including paths and roadways within City parks, in the City of Portland: the purchase or contract for electric energy for street lighting purposes; the maintenance and repair of existing and new street lighting facilities within the City; the purchase or lease, installation and operation of new or additional lighting systems; the modernization, construction and renovation, or extension of the existing lighting system, and the maintenance, repair and purchase of energy therefor; a capital reserve fund to set aside a portion of the future costs of replacing the existing street lighting system; and other expenses connected with provision of street lighting in the City of Portland. The Council may enter into contracts connected with the aforementioned purposes, but the City's obligation for payment under such contracts may not extend beyond the three (3) year period. Such special tax levy hereby is specifically authorized and it shall not be counted as within the limitation provided by Section II of Article XI of the Constitution of the State of Oregon, and said special tax hereby specifically authorized shall be in addition to all other taxes which may be levied according to law.

1989 Water Charge for City Services

The following Measure appeared on the May 16, 1989 Ballot.

WATER BUREAU TO PROVIDE WATER WITHOUT CHARGE FOR CITY SERVICES.

QUESTION: Shall Charter be amended to require Water Bureau to provide water to other bureaus for City services at no charge

PURPOSE AND EXPLANATION OF CHARTER AMENDMENT

Amends Charter Section 11-105, which now provides "no charge shall be made for water used in extinguishing fires in the City." This measure expands that exemption by providing there will be no charge to any City bureau for water used for City services, such as parks irrigation and street cleaning.

Amendment does not apply to Portland Development Commission, Exposition-Recreation Commission, or their facilities such as the Coliseum and the Performing Arts Center.

Charter Amendment Referred to the Voters by the City Council

RESOLUTION No. 34533 ADOPTED MARCH 29, 1989

BE IT RESOLVED by the Council of the City of Portland, Oregon that an

Act entitled:

AN ACT

"An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith, approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by amending Section 11-105 thereof to authorize the provision of water at no charge to City bureaus for City services."

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Section 11-105 of the Act of the Legislative Assembly of the State of Oregon entitled: " An Act to incorporate the, City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or part of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time is hereby amended to read as follows:

Section I 1-105. Rates and charges. For each fiscal year the Council shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City or for water used by any City bureau in providing City services, but this exemption shall not apply to Departments created by Chapters 14 and 15 of this Charter.

The Council may fix special charges for connections, disconnections, turn- ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

NOTE: Matter in bold face in an amended Section is new.

1989 Emergency Communication Tax Levy

The following measure appeared on the June 27, 1989 Special Election Ballot

THREE-YEAR SERIAL LEVY FOR EMERGENCY COMMUNICATION SYSTEM

Question: Shall Portland levy \$2,500,000 each year for three years outside the tax base for police and fire communication system beginning 1989-90?

PURPOSE

This measure would allow a tax levy of \$2,500,000 each year for three years. This levy is for the City's public safety communication system and related equipment. Some of the money would be used to buy computer-aided dispatch systems, and to put computer terminals in fire trucks and police cars, and to improve 911 service. Some of the money would be used to buy a management information system.

The total amount of money that would be raised by the levy is \$7,500,000. The levy would expire in three years.

It is estimated that the tax impact of this measure will be 17 cents per thousand dollars of assessed valuation. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information from the County Assessor at the time of estimate.

The levy is outside the limitation provided in the Oregon Constitution.

The text of the measure as submitted by the City Council to the voters of the City of Portland for their adoption or rejection at the municipal election to be held on the 27th day of June, 1989, is as follows:

RESOLUTION NO. 34663 ADOPTED MAY 3, 1989

AN ACT

A Measure Directing a Three-Year-Serial Tax Levy within the City of Portland of \$7,500,000 (\$2,500,000 per year) outside constitutional limitations for the City's public safety emergency communication system, beginning with the fiscal year 1989-90.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Pursuant to Section 7-109 of the Portland City Charter, the Council shall levy for each of three successive years commencing with the fiscal year 1989-90, at the time taxes are levied for the payment of expenses for the City, a special tax of \$2,500,000 (\$7,500,000 total) on all property in the City of Portland not exempt from taxation. The proceeds from such levy shall be placed in a special fund to be designated the Public Safety Capital Fund. The money in said fund shall be expended only for the following purposes in connection with the integration and improvement of the City's emergency communication system: the purchase of Computer-Aided Dispatch systems enable the City to merge the dispatch functions of the Bureau of Emergency Communications and the Bureau of Fire, Rescue and Digital Terminal (MDT) Systems for fire and police vehicles, a management information system, related emergency communication equipment, an enhanced 911 system, and other related expenses, of the City's emergency communication system. Such serial tax levy hereby is specifically authorized, and it shall not be counted as within the limitation provided by Section 11 of Article XI of the Constitution of the State of Oregon, and said serial tax hereby specifically authorized shall be in addition to all other taxes that may be levied according to law.

1989 Parks Tax Levy

The following measure appeared on the June 27, 1989 Special Election Ballot

THREE-YEAR SERIAL LEVY FOR YOUTH-ORIENTED PARK IMPROVEMENT CONSTRUCTION AND OPERATION

Question: Shall Portland levy \$2,433,334 outside tax base each year for three years beginning 1989-90 for constructing and operating park improvements?

PURPOSE

This measure would allow the City to levy taxes of \$2,433,334 each year for three years. This levy is for park improvements. The focus will be on projects to serve youth. The proceeds would be used to construct and operate capital projects set out in the Park Futures Study. One, such project is to build or rebuild sixteen athletic fields for youth sports. Another is to build or fix five community centers and eight playgrounds. Included is the pool at Matt Dishman. The levy will fund improvements to make parks more safe. The money also will be used to develop or rebuild thirteen park sites. \$6,400,000 is the planned cost of the improvements. The rest of the money is to operate these improvements after they are made.

The total sum of money that will be raised by the levy is \$7,300,002. The levy: will expire in three years, It is estimated that the tax impact of this measure will be 16.6 cents per \$ 1,000 of assessed value. , The estimated tax cost for the measure is an ESTIMATE ONLY. It is based on the best information from the County Assessor at the time of the estimate. The levy is outside the limitation.

AN ACT

A Measure directing a three-year serial tax levy within the City of Portland of \$7,300,002 (\$2,433,334 per year) outside constitutional limitations, commencing in fiscal year 1989-90, for constructing and operating park improvements.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Pursuant to Section 7-109 of the Charter of the City of Portland, the Council shall levy for each of three successive years commencing with the fiscal year 1989-90, at the time taxes are levied for the payment of expenses of the City, a special tax of \$2,433,334 (\$7,300,002 total) on all property in the City of Portland not exempt from taxation. The proceeds from such levy shall be placed in a special fund to be designated as the Parks System Improvements Fund. The money in this fund shall be expended only for the purpose of constructing, reconstructing, maintaining and operating improvements to the parks. This special levy is specifically authorized, and it shall not be counted as within the limitation provided by Section 11 of Article XI of the Constitution of the State of Oregon, and this special tax hereby specifically authorized shall be in addition to all others taxes that may be levied according to law.

1989 FPDR Change

This measure appeared on the November 7, 1989 General Election Ballot

BALLOT TITLE

CAPTION: Charter Amendment Revising Fire and Police Pension and Disability Plan

QUESTION: Shall the City Charter be amended to reform the Fire and Police Disability, Retirement and Death Benefit Plan?

SUMMARY: Reforms plan for new fire and police hires and present employees who choose it. Improves retirement and survivors benefits. Establishes five year vesting period. Restricts and reduces disability benefits. Allows benefit changes required by law. Restricts adjustments of retirement and survivor benefits to percentage adjustment given fire and police employees in retirement system. Eliminates employee contributions to plan. Increases property taxes collected within existing rate levy by approximately \$.39 per \$1,000 of assessed valuation. City guarantees to pay full benefits if levy becomes insufficient.