

Exhibit B

Title 3 Administration

Chapter 3.02 Council Organization and Procedure

(Chapter replaced by Ordinance 191461, effective January 1, 2025.)

3.02.010 Council Meetings.

A. Quorum requirement.

1. Seven Councilors is a quorum. A quorum is required to conduct official Council business, except that less than a quorum may:

- a. Adjourn or recess a meeting; or
- b. Compel the attendance of the other Councilors.

2. If there is no quorum, the Councilors in attendance will adjourn to a fixed time or until the next scheduled regular meeting.

3. The Auditor records when a Council meeting is cancelled for lack of a quorum and the date and time when items scheduled for the cancelled meeting will be considered. The Auditor provides notice of the rescheduled date and time.

B. Telephone and virtual attendance.

1. Councilors may attend meetings by telephone or virtually.

2. Councilors who attend by telephone or virtually must notify the Auditor prior to the meeting or as soon as reasonably practicable. The Auditor must make reasonable efforts to notify all Councilors when some or all Councilors are expected to attend by telephone or virtually.

3. Except for an executive session, the Council will make available at least one place where, or at least one electronic means by which, the public can listen to the meeting at the time it occurs. If a place is provided, it may be a place where no Councilors are physically present. All other requirements of City Code and state law concerning the conduct of meetings by telephone or virtually must be met.

C. Regular meetings.

1. Time. A regular meeting will be held at least two times per calendar month, including the first week of January following each general election. Council may adopt a schedule by ordinance. If Council does not adopt a schedule, meetings will be held on the first Wednesday of the month at 9:30 a.m. and the third Wednesday of the month at 6:00 p.m. A recessed session of a Wednesday meeting will be held at 2:00 p.m. on that Wednesday or the following Thursday at 2:00 p.m. When a meeting falls on a legal holiday, the meeting will be held on the next succeeding business day at the same hour or, upon motion adopted by Council during a regular meeting at least 14 days prior, on the day and at the time designated by Council.

2. Location. A regular meeting will be held in Council Chambers. Council may designate the location(s) of Council Chambers by ordinance. A meeting may, upon motion adopted by Council during a regular meeting at least 14 days prior, be held at a place other than Council Chambers, but the place must be within the City and satisfy public meeting requirements.

D. Special meetings.

Special meetings may be held at any time upon a request delivered to the Auditor signed by seven Councilors or the Mayor, with the written consent of six Councilors. The Auditor must electronically deliver notice of the meeting to each Councilor and to interested persons and post the notice on the City's website. The notice must include the meeting time, location, and a summary of items anticipated to be considered. Notice must be delivered and posted at least 24 hours before the meeting.

E. Emergency meetings.

1. The Council President, the Council Vice President, any four Councilors or the Mayor may call an emergency meeting with less than 24 hours' notice under any of the following circumstances:

- a.** A disaster or imminent disaster;
- b.** An emergency affecting or tending to affect the public health or safety;
- c.** War or hostile enemy action;
- d.** A civil defense alert on the immediate possibility of enemy action;
- e.** An emergency declared by the Governor; or
- f.** An emergency declared by the President of the United States.

2. The notice requirements for special meetings do not apply, but the person(s) calling the emergency meeting must notify as soon as reasonably practicable:

a. every other available Councilor, the Mayor, the City Administrator, and the Auditor; and

b. the media and other interested persons.

3. No emergency meeting may be held without the Auditor, who acts as the clerk and keeps a full and complete record of the meeting. The minutes must describe the emergency justifying less than 24 hours' notice.

4. An emergency meeting is in session upon the attendance of a quorum. Only written ordinances or resolutions connected to the emergency, a copy of which must be submitted to the Auditor before Council acts on the item, may be considered. Charter provisions relating to Council's legislative acts apply to any ordinance passed at an emergency meeting.

5. An emergency meeting may be held at a place other than Council Chambers, but the place must be open to the public and the meeting must satisfy public meeting requirements.

3.02.020 Council Agenda.

A. Notice.

At least 24 hours before each meeting, the Auditor posts the agenda on the City's website and distributes it electronically to interested persons.

B. Item submission.

1. Any Councilor, a committee of the Council, the Mayor, or the Auditor may submit an item. The President will review each item and recommend whether the item should be considered immediately by the full Council or referred to a particular committee. The Council may approve or may amend, the President's recommendations as provided in Subsection C.2. of this Section.

2. Items and all associated documents must be submitted to the Auditor before 12:00 p.m. each Tuesday of the week preceding the meeting except when otherwise required due to a legal holiday. In this event, the Auditor gives notice to the Council, Mayor, and interested parties of the revised submission deadline.

3. The Auditor, in coordination with the President, has discretion to determine that an item is complete.

4. The President, in coordination with the Auditor, has discretion to determine the meeting at which a complete item will be heard and must place complete items on an agenda in a timely manner.

5. If an item includes exhibits, the exhibits are incorporated into the item as if the exhibits were set out in full in the text of the item.

- 6.** The City Attorney must approve contracts and amendments to contracts, amendments to Code and Charter, amendments to the Comprehensive Plan, and easements before those items are placed on the agenda.

C. Order of business.

Items on the consent and regular agendas are heard in the following order. However, before publication of the agenda, the President, in coordination with the Auditor, may order the agenda to best use Council time.

- 1.** Agenda approval. The affirmative vote of at least a majority of Councilors in attendance is required to approve the agenda, to reorder items on the agenda, or to add an item to the next meeting's agenda.
- 2.** President's recommendations. The affirmative vote of at least a majority of Councilors in attendance is required to approve or amend the President's recommendations under Subsection B.1. of this Section.
- 3.** Public communications to Council.
 - a.** A request to address Council must be submitted to the Auditor in writing and state the nature of the comment and the requester's name.
 - b.** The Auditor notifies the requester of the date they will be heard by Council. Only five comments are heard per meeting. Requesters are limited to one comment per calendar month. Public comment is normally heard at the beginning of the regular agenda. Each requester has three minutes and may also submit written materials before or at the meeting.
- 4.** Time certain items.
 - a.** Time certain items must be so designated.
 - b.** A written request must be made to the President and Auditor in accordance with administrative rule.
 - c.** The Auditor, in coordination with the President, schedules the item and informs the office requesting the time certain designation.
 - d.** Items will be considered as close to the designated time as possible.
 - e.** Appeals of land use decisions or other land use matters requiring a hearing under Charter or state law must be time certain items.
- 5.** Consent agenda.
 - a.** Consent agenda items must be so designated.

b. Any item may be placed on the consent agenda except land use appeals, land use matters requiring a hearing and increases in budget appropriations.

6. Regular agenda.

- a. Appropriation ordinances.
- b. Emergency ordinances.
- c. Second reading of non-emergency ordinances.
- d. First reading of non-emergency ordinances.
- e. Resolutions.
- f. Reports.
 - (1) Council Committees.
 - (2) Mayor, City Administrator or Auditor.
 - (3) Volunteer Boards or Commissions.

D. Nine-twelfths agenda.

- 1. The Auditor prepares a supplementary agenda, known as the nine-twelfths agenda, containing a summary of items submitted not later than noon on the preceding Tuesday for consideration at the following meeting.
- 2. The written consent of at least nine Councilors, each of whom must be present when the item is considered, is required to consider an item on the nine-twelfths agenda.

E. Suspension of rules.

Items not on the agenda may be considered at any meeting if Council suspends the rules by the affirmative vote of at least nine Councilors.

3.02.030 Council Actions.

A. Non-emergency ordinance.

- 1. Procedure.

- a.** A non-emergency ordinance has two public readings of its title.
- b.** Except as provided in the Charter for ordinances granting a franchise, at least five days must pass between the introduction and passage of a non-emergency ordinance. A non-emergency ordinance cannot be amended within five days of its passage.
- c.** Public testimony is three minutes per person unless the presiding officer specifies another time, and testimony is limited to the first reading unless the presiding officer states otherwise on the record at the end of testimony at the first reading.

2. Vote requirement.

- a.** Quasi-judicial matter. At least seven affirmative votes are required to pass or seven negative votes are required to deny an ordinance approving, approving with conditions, or denying a quasi-judicial matter for which an application or appeal fee has been paid. The item may be continued to the next regular agenda or as directed by the Council.
- b.** Not a quasi-judicial matter. Except as otherwise provided in the Charter and Subsection a. above, at least seven affirmative votes are required to pass an ordinance. If there are fewer than seven affirmative votes, the ordinance fails.
- c.** At least seven affirmative votes are required to amend an ordinance prior to passage.

3. Effective date.

- a.** A non-emergency ordinance takes effect 30 days after passage unless the ordinance sets a later date or as provided in Subsection b. below. The filing of a referendum petition suspends the effective date.
- b.** Ordinances making appropriations and the annual tax levy and ordinances relating to local improvements and assessments take effect immediately upon passage unless the ordinance sets a date less than 30 days after passage.

B. Emergency ordinance.

1. Procedure.

- a.** An emergency ordinance has one public reading of its title.
- b.** The ordinance will state that an emergency exists and specify the facts or reasons constituting the emergency.

c. Public testimony is three minutes per person unless the presiding officer specifies another time.

d. The asterisk symbol will precede the title of each emergency ordinance.

2. Vote requirement. At least nine affirmative votes are required to pass an emergency ordinance. At least seven affirmative votes are required to amend an emergency ordinance prior to passage.

3. Effective date. Emergency ordinances take effect immediately upon passage unless the ordinance sets a date less than 30 days after passage.

C. Franchise ordinance.

1. Procedure. Procedures will be consistent with the Charter.

2. Vote requirement. At least nine affirmative votes are required to pass an ordinance granting a franchise. At least seven affirmative votes are required to amend a franchise ordinance before its passage.

3. Effective date. An ordinance granting a franchise takes effect 60 days after passage unless the ordinance sets a later date. The filing of a referendum petition suspends the effective date.

D. Resolution.

1. Procedure. A resolution has one public reading of its title. Public testimony is three minutes per person unless the presiding officer specifies another time.

2. Vote requirement. At least seven affirmative votes are required to pass a resolution or to amend a resolution before passage.

3. Effective date. A resolution becomes effective immediately upon passage unless the resolution sets another date.

E. Report.

1. Procedure. The presiding officer determines whether public testimony is received and the amount of time for each person to testify.

2. Vote requirement. At least seven affirmative votes are required if acceptance of a report is requested. No vote is required on informative reports which request no Council action; informative reports are placed on file.

3. Effective date. Acceptance of a report is effective immediately upon acceptance.

F. Quasi-judicial land use decision.

1. Procedure. Quasi-judicial land use procedures are governed by Title 33 and are identified in the mailed notice for the hearing.
2. Vote requirement. At least seven affirmative votes are required to deny or affirm an appeal of a quasi-judicial land use decision and to adopt the findings, conclusion, and order.
3. Effective date. The effective date of a quasi-judicial land use decision is identified in Title 33.

G. Consent agenda.

1. Procedure.

- a. An item may be removed by a Councilor or any person. A request to remove an item must be made to the Auditor either prior to the meeting or at the meeting but before the vote on the consent agenda. A removed item will be considered individually at the same meeting.
 - b. The vote is a single Council vote without reading the titles of individual items. Items are not subject to amendment or debate.
2. Vote Requirement. The unanimous vote of all Councilors in attendance, and no less than nine Councilors, are required to approve the consent agenda.

H. Nine-twelfths agenda.

1. Procedure. The procedure is the same as the procedure for the type of item.
2. Vote requirement. The vote requirement is the same as the requirement for the type of item.

I. Ordinance objection.

1. Within ten days after passage of an ordinance that does not take effect immediately, any three Councilors may submit a written objection to the Auditor. The objection will be considered and voted on at the next regular meeting.
2. If at least seven affirmative votes sustain the objection, the ordinance is repealed and does not take effect unless again passed in the same manner as a new ordinance.

3.02.040 Council Rules.

A. President and Vice President election.

- 1.** At the first regular meeting of the year, whenever the position of President or Vice President becomes vacant, or oftener at Council's option, the Council elects from its members a President and Vice President by majority vote of those in attendance.
- 2.** The Vice President must be from a different district than the President unless no Councilor from another district is willing to serve.
- 3.** The President or Vice President may be removed by the affirmative vote of at least nine Councilors.
- 4.** The position of President or Vice President becomes vacant if the President or Vice President resigns the position, vacates their Councilor seat, or is removed.
- 5.** At the first meeting in 2025 and until the first President is elected, the Auditor, through the Council Clerk and assisted by legal counsel, will serve as a non-voting *ex officio* presiding officer to facilitate the election of the first President.

B. President and Vice President duties.

- 1.** The President is the presiding officer and will:
 - a.** Promote efficient Council operations, including the coordination and submission of agenda items to the Auditor, recommend whether submitted items are referred to the full Council or a committee, and assist in preparing the agenda.
 - b.** Preside over Council meetings, including the preservation of order and decorum. The President:
 - (1)** Assigns seats in Council Chambers.
 - (2)** Sets limits for public testimony.
 - (3)** Speaks to points of order before other Councilors. Decides questions of order subject to an appeal to the full Council by three Councilors. A Councilor called to order must immediately stop talking, but may ask the Council to rule without debate on the question of being able to continue talking.
 - (4)** Names who speaks first when two or more Councilors speak at the same time.
 - (5)** Allows each Councilor to speak once on an item until every Councilor choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered.

(6) Ensures Councilors confine themselves to the question under debate and refrain from personal criticism.

(7) Allows sufficient time for an amendment before ordering a roll call vote. No amendment may be made during the vote.

c. Sign items accepted by and requiring execution or agreement by Council.

2. The President may delegate any duties to the Vice President during the President's absence or at the President's discretion.

3. The Vice President acts as the presiding officer at Council meetings in the President's absence. If the position of President is vacant, the Vice President acts as President until Council elects a new President.

4. When a quorum attends a Council meeting, but the President and Vice President are absent, the presiding officer will be:

a. The Councilor who most recently served as President; or

b. If no Councilor in attendance served as President, the Councilor who most recently served as Vice President; or

c. If no Councilor in attendance served as President or Vice President, the Councilor from the same district as the President whose last name is first in alphabetical order.

C. General rules of procedure.

1. The Committee Chair or elected official submitting an item speaks first on the item.

2. Voting order. In roll call votes, the presiding officer votes last. Other Councilors vote by district in numerical order, then by alphabetical order of last name within each district. The district order is rotated the first day of each calendar quarter, with the previously first district rotated to the last position.

3. Suspension of rules. At least nine affirmative votes, or the unanimous consent of the Council with at least nine members in attendance, are required to suspend a rule in this Chapter; however, Council may not suspend a rule that reflects a Charter provision.

D. Motions.

1. A motion is only considered if it is seconded. If a motion is seconded, the presiding officer clearly states the motion before debate and, if requested by a Councilor, has the motion reduced to writing.

2. Only the following motions, considered in descending priority with Subsection 2.a. having the highest priority, may be made when a question is under debate:

- a.** Lay the matter on the table;
- b.** Call for the previous question;
- c.** Postpone to a date certain or postpone indefinitely;
- d.** Refer to a committee; or
- e.** Amend.

3. A Councilor may withdraw their motion at any time before an amendment is made to it or, if no amendment is made, before a vote is taken on it.

4. A motion with several elements may be divided. But the Councilor who made the initial motion may designate which element is voted on first.

5. A motion to call the question requires an affirmative vote of at least a majority of Councilors in attendance.

6. Motion for reconsideration.

- a.** A Councilor who voted with the prevailing side may move for reconsideration. Any Councilor may second the motion.
- b.** A motion for reconsideration may only be made once per item.
- c.** The motion must be made before the adjournment of the meeting when the item was considered by Council.
- d.** The prevailing side for purposes of moving to reconsider an emergency ordinance is the side which prevented the emergency ordinance from passing.

7. A motion to recess, adjourn, or compel attendance requires an affirmative vote of at least a majority of the Councilors in attendance. A motion to adjourn is decided without debate. If a motion to adjourn has been put to a vote, and failed, it is not considered again until some other business has been considered.

E. Robert's Rules of Order.

Robert's Rules of Order Newly Revised resolves procedural questions not covered by these rules.

3.02.050 Council Committees.

A. Formation. By resolution, Council may form and terminate standing, special, or other committees to assist Council's legislative function. The resolution specifies the subject matter, duties, membership, and chair of each committee.

B. Authority. A committee has only those duties delegated by Council resolution. No committee has authority to make decisions that bind the Council or the City. Committees are advisory bodies to the Council and may only make recommendations upon matters referred to them by the Council, and all such recommendations are subject to Council's final determination.

C. Membership. Committees must be composed of less than a quorum of Council. A committee generally consists of four to six Councilors, with at least one Councilor but no more than two from each district. A quorum is a majority of committee members.

D. Rules. Council may adopt committee rules and procedures by resolution.

E. After an item has been referred to a committee, the Council may withdraw the item and return it to the full Council by an affirmative vote of at least seven Councilors.

3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.

A. To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.

B. For purposes of this Section, an ejection is an order made by a Person-in-Charge to immediately leave the meeting, and an exclusion is an order made by the City Administrator or their designees prohibiting a person from entering or remaining at future meetings for a specified period of time.

C. The presiding officer or designee may rely on information provided by any Councilor, the Mayor, City Administrator, City staff or Person-in-Charge as designated in Code Section 3.18.010 who is physically present at the Council meeting that a person has disrupted the meeting or engaged in dangerous or threatening behavior.

D. Ejection or exclusion shall be issued in the following manner:

- 1.** The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.

2. For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers or such other place as the

Council may be in session; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

3. A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

4. For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.

E. If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.

F. If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.

G. The City Administrator or their designees, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Code Hearings Officer in the manner provided under Section 3.18.030.

H. Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no circumstances shall the presiding officer or any Councilor be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the

notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

I. It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.

J. An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the Auditor, acting as Council Clerk, for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.

K. The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any Person-in-Charge may eject that person by applying the provisions of this Section.

3.02.070 Auditor Authority.

The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02. "Auditor" in Chapter 3.02 means the Auditor or the Auditor's designee.

Chapter 3.04 Subpoena Powers

3.04.010 Legislative Subpoena Power.

A. For the purpose of compelling the attendance of witnesses or the production of records, the Council may by resolution direct the Mayor or the Auditor to issue a subpoena under the seal of the City.

B. After issuance, the subpoena must be served in the manner of service as prescribed by State law for delivery of a summons by civil process in a court of competent jurisdiction. A return of service must be delivered to the authority who issued the subpoena within 10 days after its delivery to the person for service, with proof of service of the subpoena or that the person cannot be found.

C. The witness fees and mileage to be paid are the same as prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. Witnesses will be reimbursed by the City from funds as directed by the Council.

D. It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to allow the records to be examined, unless the person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against compliance with the subpoena, whether or not the person made any specific objection or raised that specific defense in seeking the order to quash.

E. A witness may not be required to answer any question or to act in violation of the witness's rights under the constitutions of the State or of the United States.

F. For purposes of this Chapter, **records** means any books, paper, documents or other information, in whatever format or however stored.

3.04.020 Administering Oaths to Witnesses.

The presiding officer of Council may administer oaths to any subpoenaed witnesses in any proceedings under the Council's examination.

3.04.030 Enforcement of Legislative Subpoena.

A. If a person subpoenaed as provided in Section 3.04.010 fails to appear to testify or fails to produce any records as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry, the City Attorney may apply to any court of competent jurisdiction for an order to the person to attend and testify, or otherwise to comply with the subpoena.

B. The City Attorney's application to the court may seek an order requiring the person against whom the subpoena is directed to comply with the subpoena within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

Chapter 3.05 Auditor's Audit Services Division

3.05.010 Independence.

A. The Audit Services Division is established within the Auditor's Office, answerable directly to the Auditor in accordance with City Charter.

B. The Audit Services Division will adhere to generally accepted government auditing standards in conducting its work and will be considered independent as defined by those standards.

C. If the Audit Services Division conducts an audit of an activity for which the Auditor is or was responsible, the audit scope will state that the auditors are not organizationally independent with regard to the entity being audited.

3.05.020 Scope of Audits.

A. The Auditor will conduct financial and performance audits of all departments, bureaus, offices, boards, commissions, activities, functions and administrative agencies of the City to independently determine whether:

1. Activities and programs being implemented have been authorized by City Charter or Code, state law or applicable federal law or regulations;
2. Activities and programs are being conducted in a manner contemplated to accomplish the objectives intended by City Charter or Code, state law or applicable federal law or regulations;
3. The activities or programs efficiently and effectively serve the purpose intended by City Charter, Code, state law or applicable federal law or regulations;
4. Activities and programs are being conducted and funds expended in compliance with applicable laws;
5. Revenues are being properly collected, deposited and accounted for;
6. Resources, including funds, property and personnel, are adequately safeguarded, controlled and used in a faithful, effective and efficient manner;
7. Financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
8. There are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
9. Indications of fraud, abuse or illegal acts are identified for further investigation.

B. Audits will be conducted in accordance with Government Auditing Standards for financial and performance audits issued by the Comptroller General of the United States.

3.05.030 Annual Audit Plan.

A. By the beginning of each fiscal year, the Auditor will submit an annual audit plan to Council and the Mayor for review and comment. The plan will include the departments, bureaus, offices, commissions, boards, activities, functions and administrative agencies

scheduled for audit during the upcoming fiscal year. This plan may be amended during the year upon resubmission to Council and the Mayor. Additionally, the Auditor may spontaneously initiate and conduct any other audit deemed necessary to undertake.

B. In accordance with independence provisions of generally accepted government auditing standards, the authority for selection of audit areas will reside solely with the Auditor.

3.05.035 Special Audits.

A. The Council President, Council Vice President, Mayor or City Administrator may request that the Auditor perform special audits that are not included in the annual audit plan. Special audits may become amendments to the annual audit plan if determined by the Auditor.

B. Special audit reports will be handled the same as regular audit reports, except that in personnel matters of a confidential nature, reporting of results may be limited to the Mayor and City Administrator.

3.05.040 Access to Information.

In accordance with City Charter, subject to collective bargaining obligations to the City's recognized bargaining units, the Auditor will have timely access to all employees, information and records required to conduct an audit or otherwise perform audit duties, including confidential and legally privileged information and records so long as privilege is not waived as to third parties. All officers and employees of the City will timely furnish the Auditor with requested information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they will provide timely access for the Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to timely produce the aforementioned information, then the Auditor, subject to the Mayor's approval, may, without fee, cause a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, excepting personal information, and every office having the custody of such records will make a search and forward such requested exhibits to the Auditor.

3.05.045 Confidential Information.

The Auditor will not disclose confidential or legally privileged information and records and will be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure. The Auditor will maintain the confidentiality of information submitted in confidence and the identity of the provider of such information to the extent allowed by law, except as the Auditor deems necessary to discharge the Auditor's duties or as directed by the District Attorney pursuant to a public records request or by a court of competent jurisdiction.

3.05.050 Response to Audit.

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

3.05.060 Audit Reports.

- A.** Each audit will result in a written report.
- B.** Reports are to be issued promptly so as to make information available for timely use by the Council, the Mayor, the City Administrator and other interested parties.
- C.** The Auditor will submit each audit report to the Council, the Mayor, and the City Administrator and will retain a copy as a permanent record.
- D.** If appropriate, the audit report will contain the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the auditee or if the audit is a performance audit, the report will contain the professional conclusions of the audit regarding the management activities audited.
- E.** To the extent required by generally accepted government auditing standards, audit reports issued by the Auditor will contain:
 - 1.** A statement of audit objectives and a description of the audit scope and methodology;
 - 2.** A statement that the audit was performed in accordance with generally accepted government auditing standards;
 - 3.** A description of all significant instances of noncompliance and abuse and all instances of illegal acts found during or in connection with the audit;
 - 4.** A full discussion of audit findings and conclusions, including the cause of problem areas and recommendations for necessary or desirable action;
 - 5.** A statement of all significant management controls that were assessed and any significant weaknesses found;
 - 6.** Pertinent views of responsible officials concerning audit findings, conclusions and recommendations;
 - 7.** A listing of any significant issues needing further study and consideration;

8. A description of noteworthy accomplishments of the auditee.

3.05.065 Report of Irregularities.

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

3.05.070 Contract Auditors, Consultants, and Experts.

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

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

3.05.080 External Quality Control Review.

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

Chapter 3.06 Office of the City Administrator

(Chapter replaced by Ordinance 191740, effective January 1, 2025.)

3.06.010 Organization.

By Charter, the City Administrator is appointed by the Mayor, subject to Council confirmation. The Office of the City Administrator consists of the City Administrator and subordinate employees as authorized by budget. The City Administrator may appoint one or more Assistant City Administrator or Deputy City Administrator and may delegate Charter and Code responsibilities to the City Administrator's appointees, and other

subordinate offices and employments. In the event of a vacancy in the position of City Administrator, the Mayor or the Mayor's designee will fulfill the responsibilities of the position until the office is filled.

3.06.020 Responsibilities.

The City Administrator has those responsibilities identified in the Charter and the Code. The Mayor may assign responsibilities and delegate authority to the City Administrator. The City Administrator's responsibilities are broadly construed. In addition to any other assigned responsibilities, the City Administrator, without limitations, may:

- A.** In consultation with the Mayor, align bureaus and all other offices and programs into service areas.
- B.** Provide planning, policy development, project management and implementation, and fund management for City or intergovernmental programs.
- C.** Adopt administrative rules and procedures.
- D.** Carry out all quasi-judicial functions delegated by the Council.
- E.** Determine if any service should be provided by the City or outside vendors; manage public contracting under Portland City Code Chapter 5.10 and Portland Public Contracting Rules.
- F.** Upon delegation by the Mayor, and consistent with the budget, authorize, negotiate, and execute all contracts, legally binding agreements, and intergovernmental agreements.
- G.** In consultation with the City Attorney to undertake action as allowed under ORS Chapter 46, appear in small claims court for recovery of money, damages or specific personal property, including asserting counterclaims, cross-claims, or third-party claims; issue writs to execute small claims court judgments.
- H.** Manage all City assets.
- I.** Oversee and manage City security program and operations, and enforce Rules of Conduct and City Property Exclusions, in accordance with Chapter 3.18.
- J.** Oversee the management of public information, including internal and external communications and media requests.
- K.** Oversee responses to the crisis of homelessness.

3.06.030 Risk Management.

The City Administrator oversees the City's Risk Management division, which is supervised by a Risk Manager. The Risk Management division will have the responsibilities described in Charter, Code, and policy and, without limitation, may:

A. Administer, coordinate, and control all activities related to commercial and self-insurance including, but not limited to, property and casualty insurance, workers' compensation insurance, liability insurance, and the City's right to subrogation on these insurance programs. These activities include:

1. Obtaining a public liability insurance policy or providing the necessary funding through a self-insurance program protecting the City, its officers, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon.
2. Administering workers' compensation insurance in accordance with the laws for the State of Oregon and on a self-insurance basis.
3. Maintaining records relating to commercial and self-insurance losses or claims filed against the City and executing any claim or proof of loss for damage to City property.

B. Monitor and coordinate a City loss prevention and control program to minimize potential property, liability, fidelity and personnel losses.

C. Evaluate and approve applications for self-insurance programs in lieu of commercial insurance requirements in any City agreement, including but not limited to contracts and permits.

D. Act on behalf of the City on all matters related to workers' compensation, including but not limited to the authority to:

1. Accept, deny, or defer claims;
2. Authorize payments of benefits in the amounts required by law relating to claims filed with the City; and
3. Enter into settlements of claims, whether through disputed claims disposition agreements or disputed claim settlements, subject to the provisions of the Charter governing settlements.

E. Act on behalf of the City in the investigation, evaluation, and settlement of property damage, general liability, bodily injury, personal injury, employment practices, and other claims brought against the City under the Oregon Tort Claims Act or under state or federal civil rights laws, including complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries or the Equal Employment Opportunity Commission, subject to the provisions of the Charter governing settlements. In doing this work, the City Administrator, Risk Manager, and designees will be agents of the City Attorney acting on behalf of the City. Settlement of claims and court actions

alleging employment discrimination or violations of employees' civil rights will be subject to concurrence of the City Administrator and the Director of the Bureau of Human Resources.

F. Settle claims in amounts not exceeding \$50,000, subject to the provisions of the Charter governing settlements.

G. Settle fair and moral claims governed by Section 1-107 of the Charter.

3.06.040 Revenue and Financial Services.

The City Administrator oversees centralized financial services, revenue and tax collection, business regulation, treasury, procurement, financial reporting and compliance, pension oversight, municipal financing and debt management, and other financial or revenue services or responsibilities as may be assigned, and without limitation may:

A. Establish, maintain, and enforce financial and accounting, policies, rules, and procedures.

B. Establish internal control systems to preserve City assets and report accurate financial results; interpret accounting and financial reporting policies and practices.

C. Prepare reports of the City's fiscal condition and conduct financial and compliance audits and other tests to determine compliance with City accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions.

D. Manage and oversee revenue development and collection activities, including but not limited to collection of debts, lien assessment and foreclosure, and regulation and collection of taxes; and, in conjunction with the City Attorney's office, authorize legal action including litigation to recover debts owed to the City.

E. Designate a City Treasurer to do the following, in addition to any other assigned responsibilities: manage centralized banking, merchant, and investment services; open, maintain, and close bank accounts in the name of the City; take custody of all moneys paid to the City for deposit and withdrawal; determine appropriate public funds investment; and administer foreclosure sale processes. A City Treasurer will not be liable for bank failure or bankruptcy, or loss of deposits in these situations, when deposits have been made in accordance with Charter, Code and policy.

F. Administer the City's debt management program, including but not limited to: providing technical assistance on financing programs, coordinating bond disclosure filings, overseeing municipal debt issuance and refinancing existing debt, and overseeing arbitrage compliance program.

G. Manage and oversee all incoming federal, state, and private grants, and outgoing special appropriations grants and contracts.

Chapter 3.10 Office of City Attorney

3.10.010 Office of City Attorney.

The Office of the City Attorney consists of the City Attorney and such subordinate positions as the Council may provide. The deputies of the City Attorney will be appointed by the City Attorney in writing and will continue in service during the City Attorney's pleasure. In the event of a vacancy in the position of the City Attorney, the deputies will continue in office with a Chief Deputy serving as acting City Attorney until such time as the Mayor appoints and Council confirms a new City Attorney.

3.10.020 Duties and Responsibilities.

The City Attorney has the following duties:

- A.** Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act and except as provided in Subsection 3.10.020 I.5., the City Attorney must not represent individuals in their personal capacity and must not represent individuals who, after investigation by the Risk Management division, are found by the bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney will not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;
- B.** Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It is the responsibility of the City officials or employees who prepare such documents to submit the documents to the City Attorney for review;
- C.** Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, the City Administrator, or any board, bureau, committee, commission, or agency of the City;
- D.** Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the preceding year and highlighting significant legal cases and trends involving the City;
- E.** Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions;
- F.** Seek to prevent legal problems for the City by training, directing and educating City

employees about legal issues;

G. Institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and appeal in any case in which another party first has appealed, as the City Attorney deems advisable;

H. File a notice of appeal, a petition for writ of mandamus, or any action for emergency relief in situations where the City Attorney believes doing so is advisable and it is not practicable to obtain a Council resolution or written approval of the Mayor in the time to do so. The City Attorney will seek Council or Mayoral authorization to continue such proceeding as soon as practicable and may continue the proceeding if the Council or Mayor so authorizes.

I. For other matters, on direction by resolution of the Council or upon written approval of the Mayor:

1. Institute legal proceedings and appeals and assert counterclaims, cross-claims, or third-party claims for the City in any court or tribunal;

2. Seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable;

3. File in the appropriate forum the original or duplicate copies of a complaint for interpleader whenever the City comes into possession of property in which it has no claim and on which multiple claims have been made by other parties;

4. File briefs and related motions as amicus curiae in any appeal or other proceeding where legal issues are of interest to the City;

5. Represent City employees in their personal capacity in legal proceedings that have a connection to their City employment and are related to their personal safety, including but not limited to initiating affirmative litigation on behalf of affected City employees when they petition courts for restraining orders, injunctions, and other protections and remedies.

3.10.030 Chief Deputy City Attorney.

The position of Chief Deputy City Attorney is created and the City Attorney is authorized, from time to time to appoint one or more deputies to such positions and designate one Chief Deputy to be in charge of the Office in the absence of the City Attorney.

3.10.040 Records.

The City Attorney has charge and custody of the Office of the City Attorney and of all legal papers pertaining to it.

3.10.050 Attorney-Client Relationship.

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

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

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

3.10.060 Settlements.

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

A. As the City Attorney deems advisable, after consultation with the affected bureau, if appropriate, in cases of suits, actions, or proceedings seeking enforcement of any regulation or license requirement including payment of any fee, penalty, or interest, established by the Charter, Code, ordinance, or statute, and collection of any account receivable;

B. With the written approval of the Mayor, in cases of any other suits, actions, or proceedings except for settlements requiring payment by the City in excess of \$50,000; and

C. With the approval by ordinance of the Council in cases of suits, actions, or proceedings requiring payment by the City in excess of \$50,000.

3.10.070 Outside Counsel Conflicts of Interest.

The City Attorney is authorized to waive on behalf of the City potential conflicts of interest of private legal counsel retained by the City if the City Attorney determines the waiver to be in the City's interest.

Chapter 3.12 Bureau of Transportation

3.12.005 Purpose.

The purpose of this Chapter is to describe the organization and functions of the Bureau of Transportation. The Bureau of Transportation is charged with the responsibility for the finance, operation, maintenance, and improvement of the transportation system. The

Bureau of Transportation is responsible for management of the public right-of-way as provided under City Charter, ordinances, and Oregon law.

3.12.010 Organization.

The Bureau of Transportation is under the direction and control of the City Administrator. Subject to the approval of the City Administrator, the Director of Transportation is responsible for the overall coordination and management of the groups of the Bureau of Transportation to ensure the goals of the City Council are met and the mission and goals of the Bureau of Transportation are achieved. This includes responsibility for productivity, responsiveness and effectiveness of the services and programs of the Bureau of Transportation.

The City Administrator may adopt administrative rules as authorized by Charter.

The City Engineer is an employee within the Bureau of Transportation.

Responsibilities and authorities of the City Engineer and the City Traffic Engineer provided in this Code will be performed by a Professional Engineer.

3.12.020 Vision and Mission.

The Bureau of Transportation seeks to create and maintain a safe, reliable, equitable, and affordable transportation system that supports Portland's prosperity with a high quality of life, an inclusive and connected community, and a low carbon footprint.

The Bureau of Transportation works with the community to shape a livable city. The Bureau of Transportation plans, builds, and maintains an effective and safe transportation system that provides people and businesses the access and mobility they need and deserve.

3.12.030 Duties of the Bureau of Transportation.

For the purposes of this Code, the Bureau of Transportation is responsible for:

A. The administration and enforcement of Portland City Code:

1. Title 16 Vehicles and Traffic.
2. Sections of Title 17 Public Improvements relating to transportation.
3. Sections of Title 24 relating to transportation.

3.12.040 Administrative Rules.

The City Administrator may adopt administrative rules as authorized by Charter.

Chapter 3.13 Bureau of Environmental Services

3.13.010 Purpose.

The purpose of this Chapter is to describe the organization and mission of the Bureau of Environmental Services. This Bureau of Environmental Service, created by ordinance in 1983, is committed to the proper management, protection, and, where practicable, enhancement of our natural resources.

3.13.020 Organization.

The Bureau is administered by the City Administrator and led by the Director of Environmental Services. The Director works with group managers and their staff in pursuit of the mission. The organizational structure of the Bureau will be determined by the Director after consultation with the City Administrator. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management.

3.13.030 Mission.

The Bureau of Environmental Services serves the community by protecting public health, water quality and the environment. To achieve this, the Bureau:

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

3.13.040 Administrative Rules.

The City Administrator may adopt administrative rules as authorized by Charter.

3.13.050 Permitting Authority.

The City Administrator may develop and require permits, authorizations, inspections, and other forms of review and approval to implement and ensure compliance with those sections of this Code that are administered by the Bureau of Environmental Services.

Chapter 3.14 Bureau of Human Resources

3.14.010 Organization.

The Bureau of Human Resources will be supervised by a Director who will report to the City Administrator. The responsibilities of the Bureau of Human Resources will include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including labor relations and negotiations, promoting diversity and equity in outreach employment and recruitment services, classification and compensation, training and workforce

development, human resources systems, payroll, deferred compensation, and employee benefits and wellness. The Director will be responsible for the health benefit plan administration and funding including the Health Insurance Fund.

3.14.020 Responsibilities.

A. Unless otherwise excepted by resolution or ordinance, the City Administrator will formulate, administer, and monitor administrative rules that apply to all City officials and employees, including Councilors, and that includes but is not limited to provisions for:

1. Recruitment, examination, certification, and appointment on the basis of applicants' knowledge, skills, and abilities.
2. Classification and compensation.
3. Employee behavior and expectations.
4. Disciplinary guidelines with notice to employees of prohibited practices.
5. Employee training and development.

B. In accordance with Oregon law, the Director, on behalf of the City, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.

C. Dispute resolution.

1. The Director is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the City.
2. The City Administrator will retain the right to hear individual grievances and or complaints on a case-by-case basis. In settling such grievances and or complaints, the City Administrator will do so with the advice and consent of the Director and the City Attorney.
3. If the City Administrator does not retain jurisdiction of a grievance or complaint within one week of receiving the issues, then the Director will automatically have jurisdiction to settle the issue.
4. Disputes will be resolved as follows:
 - a. Within one day following the filing of a written grievance under a collective bargaining agreement or complaint under other written personnel policy adopted by the City Administrator, the bureau or department recipient of the grievance or complaint will provide a copy to the Director of the written grievance or other complaint document. During the investigation of grievances and complaints, the Director or designee(s)

will be an agent of the Office of the City Attorney for purposes of representing the City.

b. Where the claim is for wages or other monetary benefit not exceeding \$50,000 per claimant, the City Administrator may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:

(1) The settlement is in writing.

(2) The settlement is in the best interest of the City and the City Attorney approves, notwithstanding any applicable Code or policy provision that requires payroll checks to be drawn only for services rendered. This Section will be narrowly applied.

(3) The City Attorney determines that the settlement agreement will not conflict with state or federal laws, applicable ordinances, or collective bargaining agreements pertaining to conditions of employment.

c. The Director is authorized to investigate complaints and reports of employment discrimination in accordance with other Code provisions, where applicable. During the investigation of complaints and reports, the Director will be an agent of the City Attorney for purposes of representing the City.

D. No other bureau director or subordinate employee has the authority to change the salary range, compensation plan, or benefits plan of any City officer, agent, or employee.

Chapter 3.15 Bureau of Technology Services.

3.15.010 Organization.

The Bureau of Technology Services will be supervised by a Director, who will be the Chief Technology Officer (CTO) and who will report to the City Administrator. The Director, subject to the approval of the City Administrator, will manage and establish citywide policies and standards, and provide technical support for all City-owned technology systems, communications systems, and all end-user technology support services, including Help Desk and Desktop Support services and the City's Geographical Information Systems, except those specifically exempted by the CTO.

3.15.020 Responsibilities.

A. The Bureau of Technology Services will:

1. Provide technology strategic planning and consulting services to the City,

including project scoping, budget preparation and analysis, system planning and procurement, security analysis, resource allocation, and project management for technology projects.

2. Design, implement, and manage all technology hardware and software, including on-premises or hosted system and cyber security measures.
3. Design, implement, and manage the City's communications systems and applications, including the Integrated Regional Network (IRNE).
4. Provide all internet and intranet services to City bureaus, offices, boards, and commissions and manage the City's official website, including managing and authorizing all City domain name registrations and renewals.
5. Review requests for purchase of technology software, hardware, on-premises or hosted systems, and professional technology consulting services.
6. Provide technical expertise and information for City technology projects.
7. Provide all telephone services to City bureaus, coordinate with telephone vendors, order new facilities and equipment for City-owned or leased systems, plan telephone systems, and resolve all telephone problems.
8. Provide rapid, convenient reproduction, distribution, and mail services and provide advice and consultation on these services.
9. Review requests for the lease or purchase of office copiers/printers in compliance with procurement requirements in Code or policy.
10. Manage the processing of U.S. mail and pickup and delivery of interoffice mail, packages, and equipment, and provide printing and distribution management services for the City.
11. Manage technology systems used to standardize and accomplish the City's business affairs.
12. Perform other responsibilities related to technology services as assigned by the City Administrator or the Mayor.

Chapter 3.16 City Budget Office

3.16.010 Organization.

The City Budget Office is under the direction and control of the City Administrator and includes such other positions as the City Administrator may provide. The City Budget Director will serve and perform the duties of the City's budget officer, as defined in Oregon Revised Statutes, or will name a designee to perform these duties. The City Budget Office is responsible for:

- A.** Coordinating development and administration of the City's budget, including capital budgeting and the development of budget recommendations for all City bureaus and funds;
- B.** Financial planning and operational review of the City's utilities, including administration and maintenance of an independent utility review function that provides City Council with an annual review of utility rates and economic impacts;
- C.** Long range financial forecasting for the City's funds, including oversight of the General Fund;
- D.** Preparing General Fund Five-Year Forecasts at least twice each fiscal year. The General Fund Five-Year Forecasts will be released and made publicly available on or before December 31 and on or before April 30;
- E.** Collaborating with the City Administrator's designated chief financial officer of the City's revenue and financial services programs on the development of financial forecasts and providing forecasting information to the City Administrator, Mayor and Council when requested;
- F.** Monitoring expenditures and revenues for the City and all bureaus and providing this information to the City Administrator, Mayor and Council when requested;
- G.** Developing and analyzing financial policy and performance measurement systems and providing this information to City Administrator when requested;
- H.** Providing the City Administrator, Mayor and Council with financial information that informs the City's deliberations on collective bargaining agreements, and assisting the Bureau of Human Resources with the costing of collective bargaining agreements;
- I.** Performing other duties as assigned.

Chapter 3.17 Bureau of Fleet and Facilities

3.17.010 Organization.

The Bureau of Fleet and Facilities (BFF) will be supervised by the City Administrator. The City Administrator will implement plans, policies, and standards and manage service delivery for the City's overall fleet and facility operations.

3.17.020 Responsibilities.

The City Administrator has the following responsibilities:

- A.** Manage, maintain, and repair of all City-owned and -leased vehicles and fleet equipment except certain identified Portland Fire & Rescue vehicles and equipment.

- B.** Develop, manage, and administer the City’s fleet-related emissions reductions initiatives, including but not limited to the development of fleet transition strategies and the procurement, installation, and management of all alternative fueling and electric vehicle-charging infrastructure.
- C.** Manage and maintain City-owned and -operated fueling stations and fuel purchasing card programs.
- D.** Coordinate with emergency and public safety bureaus on fuel logistics.
- E.** Collect and analyze vehicle data and information.
- F.** Manage real properties assigned to BFF and any City-owned real properties not specifically assigned to another bureau. This includes property rights that may be assigned to BFF by the Mayor or acquired through leases, interagency agreements, and intergovernmental agreements. This real property management authority may include, but is not limited to: data and information management; real estate portfolio, capital, and financial planning; real property acquisition and disposition in accordance with City Charter, Code, and policies; space and occupancy planning; capital construction and improvements; operations, maintenance and repair; condominium or other building management board representation; and financial management including dues assessments and approvals.
- G.** Manage real property agreements, including but not limited to: acquisition and disposition agreements, leases, easements, permits, and licenses.
- H.** Negotiate and coordinate payments for real property transactions subject to the City Administrator’s authorization and limited by budget appropriation.
- I.** Issue notices that may be appropriate or required as part of real property agreements.
- J.** Coordinate and manage the City’s excess and surplus real property program.

Chapter 3.18 Rules of Conduct for City Property

- 3.18.010 Designation of Persons-in-Charge.
- 3.18.020 Rules of Conduct at City Property.
- 3.18.030 City Property Exclusions.

3.18.010 Designation of Persons-in-Charge.

A. For purposes of ordering persons to leave City property, the following are Persons-in-Charge:

1. Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.

2. Any person providing security services in any City property pursuant to any contract with the City, or with any person, firm or corporation managing a City property on the City's behalf.

3. The Mayor or City Administrator, or any person specifically designated in writing by either.

B. Delegation to a designee must be made in writing. Any person so designated is a Person-in-Charge as that term is defined in ORS 164.205(5) until the delegation is terminated or the designated person ceases to be an employee or officer of the City. Copies of delegation will be provided to the City Attorney's Office and to the City Administrator.

C. Upon request, the City will provide a copy of the Person-in-Charge designation or delegation list to the District Attorneys of Multnomah, Clackamas and Washington counties.

D. For purposes of this Section, **City property** includes any real property either owned by the City or in which the City has a property interest or property management responsibility.

E. For purposes of ordering persons to leave a public meeting of a City board or commission, the following are Persons-in-Charge:

1. The presiding officer of the public meeting of a City board or commission.

2. Any person providing security services at the public meeting of a City board or commission.

3. Any person designated as a Person-in-Charge in Subsection 3.18.010 A.

F. The authority granted to a Person-in-Charge by this Chapter are in addition to, and not in lieu of, any other authority granted under this Code.

G. For purposes of this Chapter, **City property** means any City-owned real property and the buildings, structures, and facilities thereon. City property may include privately-owned real property to which the City has acquired legal rights to occupy, control, and exercise Person-in-Charge authority.

H. For purposes of this Chapter, **property manager of the City property** means the City Administrator or designee who has the responsibility to perform property management functions.

3.18.020 Rules of Conduct at City Property.

A. To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons at City property, the rules of conduct in this Section apply and

are to be enforced at all City property except where specific rules of conduct or prohibitions have been adopted for designated real property the City owns or has a property interest or property management responsibilities.

B. The rules of conduct for City property are as follows:

- 1.** No person may engage in any activity that would constitute a violation of federal, state or local law or regulation.
- 2.** No person may deface, damage or destroy City property or City-owned personal property.
- 3.** No person may enter, attempt to enter or remain in any areas of City property designated as secured or restricted, or closed to public access.
- 4.** No person may engage in activity that disrupts or interferes with: the normal operation or administration of City business at City property; lawful use by City employees and authorized users at City property; or City permitted activities.
- 5.** No person may refuse or fail to obey any reasonable direction of a Person-in-Charge of a City property. A direction of a Person-in-Charge is reasonable: if it directs a person to obey or to cease a violation of any law or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities, including dangerous or threatening behavior as defined in the Code.
- 6.** No person may possess any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Objects prohibited under this Subsection include, but are not limited to, any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice pick, sling shot, slungshot, metal knuckles, nunchaku, studded hand coverings, swords, straight razors, tear gas, tear gas weapon, mace, pepper mace or similar deleterious agent, saps, sap gloves, hatchets or axes. The prohibitions of this Subsection do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Subsection do not apply to any thing possessed or used to carry out actions authorized by any contract or permit at the City property.
- 7.** No person may smoke or carry any lighted smoking instrument at City property in violation of federal, state or local laws and regulations, including City administrative rules and policies. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.

8. No person may make use of facility materials, equipment, furniture, or fixtures of a City property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.

9. No person may interfere or obstruct free passage of City employees or authorized visitors in or on City property, including but not limited to placing objects that impede free passage.

10. No person may use City property for unauthorized storage of personal property or leave personal property unattended.

11. No person may make or continue a noise disturbance as defined under Portland City Code Chapter 18.04, or operate sound producing device or sound producing equipment except as permitted by the Mayor or City Administrator or their designee. Bullhorns and megaphones are not permitted in the interior of any building on City property, or within the loggia or portico of any structure on City property, except as permitted by the Mayor or City Administrator or their designee.

12. No person may sell, distribute or deliver any alcoholic beverage on City property, except as permitted by the Mayor or City Administrator or their designee.

13. No person may sell, distribute or deliver any controlled substances on City property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. **Controlled substance** has the meaning provided in Chapter 475 of the Oregon Revised Statutes.

14. No person may bring animals onto City property, or leave animals tethered or unattended at City property, except as permitted by the Mayor or City Administrator or their designee. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or task the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the Mayor or City Administrator or their designee.

15. No person may solicit for or conduct business at City property except as permitted by the Mayor or City Administrator or their designee.

16. No person may use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, inside the property boundary of City property. All persons must dismount at City property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on City property except as permitted by the Mayor or City Administrator or their designee. The prohibition in this Subsection does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.

17. No person may use City property for housing or camping except as permitted by the Mayor or City Administrator or their designee and provided such use conforms with land use, zoning, building and other property regulations.

18. No person may misuse or damage the City's technology systems or network, including its telecommunication equipment and data.

19. No person may enter, attempt to enter or remain in any areas of City property for purposes other than to conduct legitimate business with City offices or tenants located at City property, to enjoy the publicly accessible amenities at a City property when the City property is open to the public, or to lawfully assemble for social or public interaction at portions of City property specifically designated for such assembly. The City Administrator may adopt space use policy to manage conditions for property use including but not limited to establishing a reservation protocol, priority regarding uses and users, hours of use, and fees for use.

C. The City Administrator may adopt additional rules of conduct for any specified City property managed by the bureau. The proposed additional rules of conduct will be posted at the City property where such proposed rules would apply, and will be deemed part of the rules of conduct for the City property.

3.18.030 City Property Exclusions.

A. The exclusion procedures in this Section will be used for City property subject to the rules of conduct in Section 3.18.020. If a person violates any rule of conduct at City property described in Section 3.18.020 while in or upon City property, any Person-in-Charge may eject and direct the person to leave the City property for a period of 24 hours. In addition, the City Administrator may issue an exclusion for any period of time up to one year from City property.

B. Notwithstanding this Section, if public meetings of the City Council, or of City boards and commissions are held in a City property, ejection and exclusion from the public meeting must comply with Section 3.02.060.

C. In determining the appropriate length of exclusion under this Section, the person issuing the exclusion will consider: the seriousness of the conduct that led to the exclusion; prior instances of violations of the rules of conduct at City property by the person to be excluded; the availability of alternative means for the person to conduct business with City officials and offices; and any other facts or circumstances that the person issuing the exclusion deems relevant.

D. The notice of exclusion will be in writing, given to the person excluded and signed by the Person-in-Charge. It will specify the dates and places of exclusion. It will contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.

E. A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of

exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer must be filed within five days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person-in-Charge who issued the notice of exclusion will be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.

F. A person receiving a notice of exclusion may request a limited modification from the Person-in-Charge issuing the exclusion for the purpose of attending a City Council or other public meeting or conducting specific business with a City official or office located at a City property identified in the exclusion notice. The request must be in writing and must identify good cause for the desired modification. The Person-in-Charge may deny the request if the business with the City official or office may be conducted through alternate means or deferred until the exclusion period ends, or may deny the request on any reasonable basis. If modification is allowed, the Person-in-Charge may impose reasonable conditions for the limited entry, and may include a requirement that the person arrange with the Person-in-Charge to be escorted into and out of the location where the meeting is to be held or the business is to be conducted.

Chapter 3.19 Community Police Oversight System

3.19.010 Community Police Oversight System.

The Community Police Oversight System (Oversight System) is established.

3.19.020 Composition of Community Police Oversight System.

The Oversight System comprises the Community Board for Police Accountability (CBPA) and the Office of Community-based Police Accountability (OCPA).

3.19.030 Structure and Processes of the Community Police Oversight System.

The CBPA and OCPA structure and processes is adopted in Title 35 of this Code.

Chapter 3.20 Bureau of Police

3.20.010 General Organization.

3.20.020 Appointment and Removal of the Chief of Police.

3.20.030 Authority of Chief of Police.

3.20.040 Duties of the Chief of Police.

3.20.050 Subordinate Officers.

3.20.070 Fees to Be Paid over to Treasurer.

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

3.20.110 Duties of Police Force.

3.20.140 Police Review Board.

- 3.20.150 Fingerprints, Photographs and Records of Identification.
- 3.20.160 Police Chief to Make Rules and Regulations.
- 3.20.170 Uniforms.
- 3.20.180 Appointment and Removal of Police Reserves.
- 3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
- 3.20.200 Membership Card and Star of Police Reserves.
- 3.20.210 Police Reserves Exempt from Civil Service.
- 3.20.230 Medical Examinations.
- 3.20.240 Membership.
- 3.20.250 Fees for Report on Police Records.
- 3.20.260 Accountability and Disposition of Fees.

3.20.010 General Organization.

The Bureau of Police, also known as “Portland Police Bureau,” will consist of the Chief of Police and such other positions as the Council may provide. The Bureau is responsible for the enforcement of law and order. The Chief of Police is the Commanding Officer of the police force and directs the police work of the City with the assistance of a Deputy Chief. The Chief of Police is directly responsible to the City Administrator for the proper functioning of the Bureau. For administrative purposes, the Bureau is made up of branches, each of which is commanded by an Assistant Chief or Commander and have personnel and such duties as may be assigned by the Chief of Police or Deputy Chief, subject to the approval of the City Administrator.

3.20.025 Appointment and Removal of the Chief of Police.

The Mayor appoints, subject to Council confirmation, and may remove the Chief of Police.

3.20.030 Authority of Chief of Police.

The Chief of Police, after having taken the oath of office, will thereafter, under the direction of the City Administrator, have command and control of the police force of the City.

3.20.040 Duties of the Chief of Police.

The Chief of Police is a peace officer and must execute all processes directed to them by any magistrate of this State in criminal matters. They may make arrests for breach of peace or commission of crime within the limits of the City with or without a warrant as peace officers do under the laws of this State. They must exercise a vigilant control over the peace and quiet of the City. They will exercise such additional powers as may be conferred upon them by the ordinances of the City to enable them to carry out the objects and purposes of this Charter.

3.20.050 Subordinate Officers.

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

3.20.070 Fees to Be Paid Over to Treasurer.

Any member of the Portland Police Bureau who receives a fee during the course of their employment with the City will turn the payment over to the City Treasurer.

3.20.080 Police Officers Receiving Gifts and Employing Attorneys - Penalty for Violation.

No member of the police force will for their own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public service other than the regular salary and pay, except by the consent of the City Administrator and Chief of Police, publicly given.

3.20.110 Duties of Police Force.

The police force of the City will at all times of the day and night within the boundaries of the City preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

3.20.140 Police Review Board.

A. Purpose. The Police Review Board (Board) is an advisory body to the Chief of Police (Chief). The Review Board will make recommendations as to findings and proposed officer discipline to the Chief of Police.

B. Powers of the Board:

- 1.** Review incidents and investigations. Except as provided in Code Subsection 3.20.140 J., the Board will review incidents and investigated complaints of alleged misconduct by nonprobationary sworn officers (officers) who are employed by the Portland Police Bureau (Bureau) in the following cases:

- a.** The supervising Assistant Chief, the Director of the Office of Independent Police Review (IPR) or the Captain of the Internal Affairs Division of the Bureau (IAD) controverts the findings or proposed

discipline of the Reporting Unit (RU) manager pursuant to Code Section 3.21.120, unless the controverted findings are only as among the findings other than “sustained” (i.e. “not sustained,” “exonerated,” or “unfounded” findings).

b. Investigations resulting in a recommended sustained finding and the recommended discipline is suspension without pay or greater.

c. The following incidents involving use of force:

(1) All officer involved shootings.

(2) Physical injury caused by an officer that requires hospitalization.

(3) All in-custody deaths.

(4) Any use of force where the recommended finding is “sustained”.

(5) Any other use of force case referred to the Board pursuant to Subsections 3.20.140 B.1.a. or e.

d. All investigations regarding alleged violations of Human Resources Administrative Rules regarding complaints of discrimination resulting in a recommended sustained finding.

e. Discretionary cases referred by the Chief, Branch Chief, or the IPR Director.

f. In the event the involved member separates from employment prior to the date of the Board convening to hear the case, the Chief will have the discretion to direct the Board hear the case as scheduled or to reconvene to hear the case at a later date in the event the involved member returns to City employment.

2. Probationary sworn officers. The Board will review incidents and investigated complaints of alleged misconduct by Portland Police Bureau probationary officers when referred by the Chief, Branch Chief or the IPR Director. However, nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section.

3. Recommendations to Chief. The Board will make recommendations to the Chief regarding findings and discipline. The Board may make recommendations regarding the adequacy and completeness of an investigation. The Board may also make policy or training recommendations to the Chief. The Board will make recommendations as to discipline based on corrective action guidelines. The guidelines will be developed by the Bureau in consultation with IPR or will be developed in collective bargaining.

C. Composition of Board.

1. The Board will be composed of five voting members and eight advisory members. All Board members will be advised of every case presented to the Board. A quorum of four voting members, including the community member and the RU Manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.

a. Voting members.

(1) One community member from a pool of community volunteers recommended by the IPR Director (or designee) and confirmed by the City Council.

(a) Community members will be appointed for a term of no more than three years. Community members may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.

(b) All community members, including Citizen Review Committee members, must meet at least the following qualifications to participate on the Police Review Board, except that requirements (ii) and (iv) below may be delayed and community members may still participate on the Police Review Board during a State of Emergency declared by the President of the United States or the Governor of the State of Oregon or the Mayor and requirements (ii) and (iv) will be met as soon as reasonably practicable under the circumstances of the State of Emergency:

(i) Pass a background check performed by the Bureau.

(ii) Participate in Bureau training to become familiar with police training and policies.

(iii) Sign a confidentiality agreement.

(iv) Participate in ride-alongs to maintain sufficient knowledge of police patrol procedures.

(c) The Chief or the IPR Director (or designee) may recommend that City Council remove a community member, including a Citizen Review Committee member, from the pool for the following reasons:

(i) Failure to attend training.

(ii) Failure to read case files.

(iii) Objective demonstration of disrespectful or unprofessional conduct.

(iv) Repeated and excessive unavailability for service when requested.

(v) Breach of confidentiality.

(vi) Objective demonstration of bias for or against the police.

(vii) Objective demonstration of conflict of interest.

(2) One peer member of the same rank/classification as the involved officer. The peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.

(3) The Assistant Chief (or designee) who is the supervisor of the involved officer.

(4) The Director of IPR (or designee).

(5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).

b. Advisory members.

(1) The Professional Standards Division Commander.

(2) Representative from Bureau of Human Resources.

(3) Representative from City Attorney's Office.

(4) The Internal Affairs Division Manager.

(5) Review Board Coordinator.

(6) Representative of the City Administrator

(7) Representative of the Training Division.

(8) The Bureau Equity Manager (or designee).

c. Representatives/individuals that may also be present during the presentation of the case include:

(1) Union representative for the involved member.

(2) Involved member.

- 2.** When the incident to be reviewed by the Board involves any use of force, including all officer involved shootings, all in-custody deaths, any physical injury caused by an officer that requires hospitalization, and any use of force case referred to the Board pursuant to Code Subsections 3.20.140 B.1.a. or e., the Board will include one additional community member drawn on a rotating basis from the pool of current Citizen Review Committee members (as those members are described in Code Section 3.21.080), and one additional peer member, for a total of seven voting members. A quorum of six voting members, including two community members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.
- 3.** Citizen Review Committee members serving on the Board will be subject to the same qualification and removal standards as other community members of the Board.
- 4.** A Citizen Review Committee member who participates in a Board review of an incident cannot participate in a later appeal to the Committee of the same allegation(s).
- 5.** Removal from participation on the Board will not affect Citizen Review Committee membership.

D. Access to information.

- 1.** All members of the Board will have access to necessary and relevant documents and an equal opportunity to participate in Board deliberations.
 - a.** The Bureau and IPR will develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials.
- 2.** The RU manager or designee will provide a written recommendation of the findings, reasoning for the recommendation and disposition recommendation.

E. Board Facilitator.

- 1.** The Board will be facilitated by a person who is not a voting member of the Board. All PRB facilitators will be neutral and will not be influenced in their work as a facilitator. PRBs will occur as expeditiously as possible. To schedule PRBs expeditiously, the following order for obtaining a facilitator will be used when scheduling a PRB:
 - a.** A person who is not employed by Portland Police Bureau, which may include someone who is not an employee of the City or someone who is from another City bureau or office; or

b. The Bureau Review Board Coordinator.

2. In selecting a facilitator who is not a City employee or is a City employee in a bureau or office that is not PPB, the Bureau and IPR will:

a. Develop a Bureau Directive establishing selection criteria and confidentiality provisions for the Facilitator(s); and

b. The voting members of the Board will schedule a meeting to recommend a pool of facilitators based on the Bureau Directive referenced above in Subsection 3.20.140 E.2.a., and will submit the recommendation for approval of the City Administrator in accordance with City contract rules.

3. The Board Facilitator will write the statement of recommended findings and discipline and a summary of any training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date.

F. Board recommendations.

1. The Board will prepare a statement of its recommended findings and proposed discipline, if any, in every case for submission to the Chief. Such statement will include:

a. The Board's recommended findings, a brief explanation of the Board's rationale for its recommendation, and a record of the Board's vote.

b. In the event that the Board is not unanimous, the statement will contain a portion detailing the minority's recommendation.

2. The Board Facilitator will write the Board's statement of recommended findings, proposed discipline, and a summary of any policy training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief.

a. IPR and the Bureau will develop a Bureau Directive setting forth the timeliness provisions of the statement.

G. Appeal of Board recommendation.

1. As provided in Code Chapter 3.21, once the Board has prepared a statement of proposed findings relating to complaints of alleged misconduct of an officer during an encounter involving a community member, the complainant or involved officer may have the opportunity to appeal the recommended findings to the Citizen Review Committee.

2. Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the Citizen Review Committee, City Administrator, the Chief may not issue proposed discipline or make recommendations to the City Administrator.

3. The Director of IPR, the Chief of Police, or City Administrator may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

H. Action by Chief of Police and City Administrator. After receiving the Board's statement described above and after the appeal period allowed by Code Chapter 3.21 has expired, or if an appeal is filed, after the Chief receives the Citizen Review Committee or the Council's recommendation in accordance with Code Chapter 3.21:

1. In the following cases, the Chief will make a recommendation regarding the appropriate findings and level of discipline to the City Administrator:

a. Investigations resulting in a sustained finding and the proposed discipline is suspension without pay or greater.

b. The following incidents involving use of force:

(1) All officer involved shootings.

(2) Physical injury caused by an officer that requires hospitalization.

(3) All in custody deaths.

(4) Any use of force where the recommended finding is "sustained".

2. In the cases described in Subsection 1. above, the City Administrator will make the final decision on findings and discipline, consistent with obligations under state and federal law, City Charter and collective bargaining agreements.

3. In all other cases, unless the City Administrator exercises authority over the case, the Chief will make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, City Charter and collective bargaining agreements.

4. In all cases where the Chief's and City Administrator's final corrective action is outside of the range recommended by the discipline guide, the Chief and City Administrator will provide an explanation in the final discipline letter of the reason or reasons for imposing discipline outside of the recommended range. The Chief and City Administrator will not be required to disclose information that is confidential or otherwise protected against disclosure. The cumulative report of discipline imposed outside of the recommended range will be included in the PPB semi-annual report.

I. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board will publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports will keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports will be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or City Administrator.

1. The public reports will include the following for each case brought before the Board:

- a.** Allegation(s) heard by the Board.
- b.** A factual summary of the case.
- c.** Summary of the Board's discussion.
- d.** Record of the Board's vote, including recommended findings and discipline.
- e.** Training and policy recommendations, including whether the recommendations were accepted by the Chief.
- f.** The final decision of the Chief or City Administrator.

2. The public reports will include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.

3. The public reports will include any stipulated agreements where a final decision has been reached.

J. Stipulated findings and discipline.

1. The following categories of cases are not eligible for stipulated findings and recommended discipline: cases involving alleged use of excessive force; those categories of cases listed under Subsection 3.20.140 B.1.c.; cases involving alleged discrimination, disparate treatment or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which the Chief or the City Administrator does not agree to accept the member's proposed stipulation to findings and recommended discipline. These categories of cases, if they

otherwise meet the criteria for review by the Board, will go through Board review and recommendations.

2. The following categories of investigations are eligible for stipulated findings and recommended discipline without review by the Board when the involved member elects, with the concurrence of the Chief and the City Administrator, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by the Independent Police Review, the Professional Standards Division and the member's Branch Chief:

a. First time offenses that fall under Category A through Category C of the Police Bureau Corrective Action Guide.

b. Second time offenses that fall under Category A of the Police Bureau Corrective Action Guide.

c. First time off-duty driving while under the influence offenses that fall under Category C of the Police Bureau Corrective Action Guide. To be eligible for stipulated discipline for an off-duty driving under the influence offense, there can be no other driving-related violations or charges and the member must comply with all court ordered conditions of a diversion or delayed prosecution.

d. In an investigation involving multiple sustained violations, the violation with the highest category from the Police Bureau Corrective Action Guide will be used to determine whether the case qualifies for stipulated discipline.

3.20.150 Fingerprints, Photographs and Records of Identification.

The Chief of Police will maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. They will take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or violation of a penal ordinance or Charter provision, they may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description will be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision will have been obtained.

3.20.160 Police Chief to Make Rules and Regulations.

The Chief of Police will have authority, subject to the approval of the City Administrator, to issue such administrative rules and regulations in addition to those embodied in the

Charter and this Code, as are necessary to govern the conduct of the members of the Bureau of Police, and to provide for the adequate functioning of the Bureau.

3.20.170 Uniforms.

The following rules will apply to uniforms for employees appointed to the Bureau of Police:

A. The Chief of Police will, subject to the approval of the City Administrator, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;

B. Upon report from the Bureau of Police the City Administrator will designate which items of the uniform specified by the Chief of Police under Subsection A. above will be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee will be furnished a complete set of designated items of uniform. All other employees will be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City will remain property of the City; and the Chief of Police will establish rules, regulations, and conditions for issuance and control thereof;

C. The Chief of Police will have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform will be furnished, and those employees affected will receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances will be paid in as determined by administrative rule.

3.20.180 Appointment and Removal of Police Reserves.

The Chief of Police is authorized, subject to the approval of the City Administrator, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with their judgment concerning the public welfare and safety subject to the approval of the City Administrator; provided that the total number of such reserves at any time will not exceed 200.

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

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

A. Each new sworn member of the police reserve must complete an application provided by the Chief of Police, including fingerprinting for better identification.

B. Sworn members of such police reserve will not be compensated unless specifically authorized and provided by the Council.

C. Upon appointment each sworn member of the police reserve must take an oath of office, and such oath will be filed with the Auditor.

D. Sworn members of the police reserve will serve at the pleasure of the Chief of Police and must wear a uniform prescribed by the Chief of Police. They must perform the duties and take training as directed by the Chief of Police. They must observe the rules of conduct applicable to paid police officers. They will, in the performance of their duties, be subject to the orders of commanding officers as designated by the Bureau of Police. They must, at all times, cooperate with paid police officers in the performance of their duties. While on any authorized assignment, they will be covered by the City's self-insurance, as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance will be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated to retain possession of or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the City Administrator, Chief of Police or anyone acting under and by the authority of the City Administrator or Chief of Police. Sworn members of the police reserve will be subject to police duty only when authorized by the Chief of Police or designee.

3.20.200 Membership Card and Badge of Police Reserves.

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

3.20.210 Police Reserves Exempt from Civil Service.

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

3.20.230 Medical Examinations.

Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief will require that member, upon written notice, to submit to a medical examination. The examination will be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, will be cause for the member's dismissal.

3.20.240 Membership.

The Bureau of Police consists of a Chief of Police, full time paid members, and members of the police reserve.

3.20.250 Fees for Report on Police Records.

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

3.20.260 Accountability and Disposition of Fees.

The Chief of the Bureau of Police will ensure that a full and complete record of all fees collected under that authority of this Chapter is kept and that all fees so collected are remitted to the City Treasurer as required by City Charter, Code, administrative rules or policies. The City Treasurer will credit the amounts so received to the General Fund.

Chapter 3.21 Office of Independent Police Review

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

3.21.010 Purpose.

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

3.21.020 Definitions.

In this Chapter:

A. Appellant means either:

1. A person who has filed a complaint with the Office of Independent Police Review (IPR) and subsequently requested review by the Citizen Review Committee (Committee) of the investigation or
2. A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.

B. Bureau means the Portland Police Bureau of the City.

C. Chief means the Chief of the Bureau.

D. Citizen or **community member** means any person who is not an employee of the Bureau.

E. Committee means the Citizen Review Committee, which is appointed by City Council to assist IPR in the performance of its duties and responsibilities pursuant to this Chapter.

F. Complaint means a complaint about a member by a citizen, the Director, a member or other employee of the Bureau.

G. Complainant means any person who files a complaint against a member of the Portland Police Bureau.

H. Director means the director of the Office of Independent Police Review or the Director's designee.

I. Finding means a conclusion reached after investigation as to whether facts show a violation of Bureau policy.

J. Early Warning System means the Bureau's method of identifying officers exhibiting a pattern of behavior that signals potential problems for both the Bureau and public, as explained in General Order 345.00.

K. IAD means the Internal Affairs Division of the Bureau, whose responsibilities and procedures are described in Section 330.00 of the Manual of Rules and Procedures of the Bureau, as amended from time to time.

L. IPR Investigator means an investigator of the Office of Independent Police Review.

M. IPR means the Office of Independent Police Review.

N. Member means a sworn employee of the Bureau or a supervisor of sworn employees. An **involved member** is a member about whom a complaint has been submitted to IPR or the Bureau.

O. Misconduct means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.

P. Request for review means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.

Q. RU (Responsibility Unit) Manager means a commanding officer or manager of a Bureau division, unit or precinct.

R. Supported by the evidence. A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.

S. Police Review Board means the board established by Code Section 3.20.140.

T. Policy-related issue means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

U. Supervisory investigation means a formal, non-disciplinary process where the involved member's supervisor is tasked with reviewing a complaint stating a member provided poor quality of service or committed a rule violation that if sustained would not result in corrective action greater than command counseling, as defined by the Bureau's discipline guide.

3.21.030 Office of Independent Police Review.

There is established by the Council the Office of Independent Police Review.

3.21.040 Director Selection and Removal.

A. The Council will select the Director of IPR, in accordance with the City's human resource policies and rules and any other applicable laws, by the following process:

1. Each Councilor will select a member of their staff to be part of the recruitment and selection process;
2. The selected Council staff will work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for an IPR Director;
3. The Director of BHR or designee will assess minimum qualifications and provide the eligibility list to the selected Council staff, who will then determine at least three candidates best qualified to interview;
4. The selected Council staff will interview the candidates and the top scoring candidate will be moved forward;
5. The top scoring candidate will be presented to Council for consideration and vote; and
6. Council will determine whether the presented candidate is well-suited for the position and may vote either to appoint the candidate as IPR Director or not to appoint the candidate, and if not appointed, then the selected Council staff will present the next top scoring candidate to Council for consideration. The selection process will continue as stated until Council votes to appoint a candidate as the IPR Director; this will include reopening the recruitment process if none of the interviewed candidates are appointed by Council.

B. The Director will be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and will have a working knowledge in criminal justice commensurate to the powers and duties of the office.

C. The Director of IPR will be removed from office only upon a finding of cause and by a vote of nine or ten or more members of Council.

3.21.050 Staff and Delegation.

A. The Director may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping within the adopted budget for the IPR.

B. The Director may delegate to a designee any or all duties or responsibilities.

3.21.060 Office Facilities and Administration.

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

B. The Director will comply with the City's purchasing procedures but will have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

The Director's powers and duties are the following:

- A. Intake.** IPR will receive complaints and select the appropriate manner to address the complaint.
- B. Report on complaint activities.** IPR will track and report on the disposition of complaints to the public, IAD, the Chief, and the Council and monitor and report measures of activity and performance of IAD and IPR. IPR will also monitor and track trends relating to member history and complaint type as well as frequency, consistency and adequacy of discipline imposed. In performing these duties, IPR will have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR will also have direct access to original database sources as permitted by state and federal law.
- C. Access to Police data and data sources.** IPR will have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR will also have direct access to original database sources as permitted by state and federal law.
- D. Initiate, monitor and conduct investigations.** IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau.
- 1.** For investigations conducted by IPR, investigation reports will include recommended findings.
 - 2.** The Bureau will notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation.
- E. Compel review.** In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any RU Manager's or Commanding Officer's proposed findings and discipline resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.
- F. Communicate with complainants.** IPR will be the primary contact with the complainant regarding the status and results of the complaint to assist IAD in communicating with the member.

G. Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.

H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations will be published for public review.

I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.

J. Access to information. Notwithstanding any other provision of City law, IPR will have access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws. The Director will not disclose confidential or legally privileged information or records and will be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure.

K. Adoption of rules. IPR will adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.

L. Review of closed investigations. IPR will hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR will issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee will address any policy-related or quality of investigation issues that would warrant further review.

M. Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.

N. Conduct investigative interviews of Bureau employees.

O. All Bureau employees are required to be truthful, professional and courteous in all interactions with IPR. No member will conceal, impede or interfere with the filing, investigation or adjudication of a complaint.

P. The Director may retain or employ independent legal counsel.

3.21.080 Citizen Review Committee.

A. The Committee will consist of eleven citizens. Five members will constitute a quorum of the Committee. Decisions will be made by a majority of Committee members present

and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members will be appointed as follows:

- 1.** Committee staff will solicit applications to fill vacancies in the Committee's membership from the Office of Community & Civic Life, the seven neighborhood coalition offices, Mayor and Councilors' offices, PPB advisory committees, and the general public.
- 2.** The Director will appoint a committee that will recommend to the Director the appropriate number of nominees to fill impending vacancies. The selection committee will consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the IPR Deputy Director. Three of the selection committee members, including one CRC representative and the IPR Deputy Director, will serve as the interview panel.
- 3.** Selection criteria will include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and Councilors may each submit an applicant meeting these qualifications.
- 4.** The Director will recommend nominees to Council for appointment.
- 5.** In the event a majority of the Council fails to appoint a person nominated under the provisions of Code Section 3.21.080 the Director will initiate the process again within 30 days after the Council action.
- 6.** In selecting Committee members, consideration will be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members will:

- 1.** Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices, including Police Review Board process, participate in ride-alongs with officers, to maintain sufficient knowledge of police patrol procedures.
- 2.** Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member will serve until re-appointed or replaced.
- 3.** Attend committee meetings or provide an explanation in advance for an absence.

4. Serve staggered terms to better ensure continuity.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.
6. Sign a confidentiality agreement.
7. Serve on the Police Review Board when the Board reviews use of force cases as defined in Chapter 3.20. Committee members will serve on the Police Review Board on a rotating basis for no more than two terms of three years.

3.21.090 Powers and Duties of the Committee.

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

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this Chapter. Quarterly meetings and hearings conducted pursuant to the Chapter will be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum will be five.
2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

3.21.100 Council Role.

- #### **A. Council will review applications of nominees to the Committee and vote whether to approve each appointment as specified in Section 3.21.08.**

B. Council will hear final appeals as specified in Section 3.21.160.

C. Council will select and remove the Director as specified in Section 3.21.040.

3.21.110 Intake.

A. The Director will receive complaints from any source concerning alleged member misconduct. The Director will make reasonable accommodation when complainants cannot file their complaint at the IPR office. All allegations of use of excessive force will be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.

1. A community member may file a complaint or commendation regarding alleged member misconduct with IPR, Internal Affairs, a Police Bureau Precinct, the Mayor, or with any Bureau member.

a. All complaints regardless of intake point will be forwarded to IPR or Internal Affairs and entered into the Administrative Investigation Management database.

b. All Bureau facilities will have complaint and commendation forms available in areas accessible to the public.

c. All Bureau issued business cards intended to be given to community members during calls for service will have IPR's phone number and email address printed on them.

2. All complaints of alleged member misconduct will be investigated as either:

a. Formal administrative investigations conducted by either Internal Affairs or IPR.

b. Supervisory investigations conducted by a supervisor assigned to the same responsibility unit as the involved member.

(1) Supervisory investigations will only be used for non-disciplinary complaints, such as those related to quality of service or minor rule violations.

(2) All supervisory investigations will include a recommended disposition.

(3) All completed supervisory investigations must be reviewed by Internal Affairs and IPR.

(4) Completed supervisory investigations will not be subject to appeal.

3. The Director will be notified in a timely manner by either the Assistant Chief of Investigations, Captain of IAD, or a member of the Mayor's staff upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation.

4. IPR may request that the Bureau open an administrative deadly force investigation into any incident where IPR believes the physical force used by a member was such that it was readily capable of causing death or serious physical injury.

5. When members of the public make complaints that do not allege member misconduct but do raise issues of a broader systemic nature, IPR may conduct reviews of Bureau policies and practices.

B. The Director will develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director will not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules, or with respect to employee or applicant discrimination complaints.

C. The Director, when requested, will protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director will consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.

D. No member of the community or the Police Bureau will face retaliation, intimidation, coercion, or any adverse action for reporting misconduct or cooperating with a misconduct investigation.

3.21.120 Handling Complaints.

To ensure appropriateness and consistency in handling complaints the Director will work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

A. Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation will not be investigated. Mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.

B. Complaint types:

1. Complaint Type I: IPR is the intake point for complaints from community members and others regarding the conduct of members during an encounter

involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.

2. Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor or may be based on information obtained from another law enforcement agency, an employee of governmental agency acting in an official capacity, or a community member. These complaints may be filed with the Bureau or with IPR.

3. Complaint Type III: A complaint may be initiated by the Director at the discretion of the Director who determines an administrative investigation is warranted. IPR can initiate a complaint whether or not the alleged misconduct occurred during an encounter involving a community member and is not dependent on a community or Bureau member filing a complaint.

a. IPR will initiate and conduct administrative investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.

b. If a criminal investigation has been initiated against the involved member, or if during an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR will advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR will take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.

4. Complaint Type IV: When Bureau supervisors generate complaints about poor member performance or other work rule violations. RU managers are responsible for intake and investigation of allegations of Type IV cases.

5. For all complaint types, the Bureau will notify IPR prior to the termination of any administrative investigation that has not been assigned for recommended findings.

C. Initial handling and investigation of Type I complaints.

1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:

a. Gather information about the complaint through an intake interview;

b. Assign an IPR/IAD case number;

c. Make a case handling decision; and

d. Send a letter to the complainant summarizing the complaint and the Director's case handling decision.

2. If IPR determines an investigation is appropriate, IPR will identify the complainant's allegations and either:

a. Recommend that the Bureau/IAD conduct an investigation.

IPR will gather information from the complainant and forward it to the Bureau/IAD. IPR will monitor the on-going Bureau investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director will notify the Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel will schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel will have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD will record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and will make those recordings, or accurate copies, available during a review of an IAD investigation.

In carrying out the IPR's functions, IPR personnel may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

b. IPR may conduct an independent investigation.

The Director will have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations will be conducted in conformance with legal and collective bargaining provisions. The Director will notify the Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR will record all interviews with witnesses, including members of the Bureau, conducted during an investigation and will make

those recordings, or accurate copies, available during a review of an investigation.

The Director will provide the Captain of IAD and the Police Chief with a report on the investigation, including recommended findings, and present the IPR investigation, with recommended findings, to the RU manager for preparation of RU Manager's proposed findings and discipline. At the completion of the investigation and any appeal process the records of the investigation will be transferred to the IAD offices for retention.

3. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

4. Administrative closure. After an initial investigation, IPR may decline to take further action on a complaint. If there is an administrative closure, IPR will provide notification to the complainant. IPR will also notify the involved officer(s) and their commanding officer within 30 calendar days of the administrative closure. The Director may administratively close a complaint for the following reasons:

- a. Another remedy exists that would resolve the complainant's issue.
- b. The complainant delayed too long in filing the complaint to justify present examination;
- c. Even if all aspects of the complaint were true, no act of misconduct would have occurred;
- d. The complaint is trivial, frivolous or not made in good faith;
- e. Where there is clear and convincing evidence that the involved member did not engage in misconduct.
- f. The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint.
- g. IPR was unable to identify the involved member.
- h. Lack of jurisdiction.

D. Initial handling and investigation of Type II complaints

1. If a Type II complaint is filed with IPR, IPR will gather information about the complaint and make a case handling decision. When appropriate, IPR will assign an IPR/IAD case number. Before disposing of a complaint of alleged misconduct or initiating an investigation, IPR will notify the Bureau in writing how it intends to

process the complaint and whether it intends to refer the case to the Bureau/IAD to conduct an investigation or conduct an independent investigation as set forth below. IPR will make an entry regarding the allegations in the Administrative Investigation Management (AIM) or other appropriate database which can be reviewed by the Director.

2. If a Type II complaint is filed within the Bureau, Bureau/IAD staff will create an intake worksheet and assign an IPR/IAD case number for use by IAD. Before disposing of a complaint of alleged misconduct or initiating an investigation, the Bureau/IAD will notify the Director in writing how it intends to process each complaint and whether it intends to conduct an internal investigation. In addition, the Bureau/IAD will make an entry regarding the allegations in the Administrative Investigation Management (AIM) database or other appropriate database which can be reviewed by the Director.

3. Bureau/IAD investigation. If the Type II complaint is filed with IPR, IPR will gather information from the complainant and forward it to the Bureau/IAD. IPR will monitor the on-going investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director will notify the Bureau/Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel will schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel will have an opportunity to review and comment on draft reports and recommended findings regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD will tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and will make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The Director will have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member. The IPR investigations will be conducted in conformance with legal and collective bargaining provisions. The Director will notify the Bureau/Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR will tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and will make those tapes, or accurate copies, available during a review of an investigation.

The Director will provide the Captain of IAD and the Police Chief with a report on the investigation, including recommended findings and present the IPR investigation with recommended findings to the RU manager for preparation of RU Manager's proposed finding and discipline. At the completion of the investigation the records of the investigation will be transferred to the IAD offices for retention.

5. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

E. Initial handling and investigation of Type III complaints.

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

F. Initial handling and investigation of Type IV complaints.

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The Director may refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

G. Type I, II, III & IV post-investigative case handling procedures:

1. Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation, including RU Manager's proposed finding and discipline, is complete, IAD will provide the Director with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director determines that the investigation is not adequate, the investigation will be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction will include, but not limited to, rewriting portions of the summary, gathering additional evidence, conducting

additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD will send the investigation to the appropriate RU Manager.

2. Submission of recommended findings to RU Manager. The RU manager will review the investigation and recommended finding for any type of complaint when the investigation is conducted by IAD, other designated PPB division or IPR and submit the RU Manager's proposed finding and discipline to the Captain of IAD. The Captain of IAD will circulate the RU Manager's proposed finding to the Director and the Supervising Assistant Chief. After receipt of the RU Manager's proposed finding and discipline, the supervising Assistant Chief, the Director or the Captain of IAD may controvert the RU Manager's proposed finding and/or discipline. All controverts will be documented in a memo that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

a. If the RU Manager determines that an investigation by IAD or IPR is not adequate, the RU Manager may return the investigation to the investigating entity for further investigation explaining the determination and providing direction for further investigation. Such direction will include, but not be limited to, investigating additional allegations of misconduct, gathering additional evidence, conducting additional interviews, re-interviewing officers or civilians, or requesting factual errors within the investigative report be corrected.

b. If the RU Manager disagrees with the recommended finding by IA or IPR the RU Manager will document their disagreement, based on the evidentiary record, with the investigative entity in the RU's proposed finding and discipline

3. Police Review Board meeting. If the RU Manager's proposed findings and/or proposed discipline are controverted, the Bureau will schedule a Police Review Board meeting on the complaint. As specified in Code Section 3.20.140, the Police Review Board will also hold a meeting for review of a case if it involves an officer-involved shooting, physical injury caused by an officer that requires hospitalization, an in-custody death, a less lethal incident where the recommended finding is "out of policy" or if the investigation resulted in a proposed sustained finding and the proposed discipline is suspension without pay or greater.

4. Notification and Appeals of Type I and III complaints without Police Review Board meeting. In Type I cases, and Type III cases where the alleged misconduct occurred during an encounter involving a community member, if the RU Manager's proposed findings and discipline are not sent to the Police Review

Board for a meeting, the Director will send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. Both the complainant and involved member will be notified of the investigative entity's recommended finding. IPR will notify the complainant that they have a right to request a review of the Bureau's proposed findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the disposition of the complaint. The Bureau will notify the involved member of the right to request a review of the proposed findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

5. Notification and appeals of Type I and III complaints after Police Review Board hearing. In Type I cases and Type III cases where the alleged misconduct occurred during an encounter with a community member and the RU Manager's proposed findings and discipline are sent to the Police Review Board for a meeting, the Director will send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. Both the complainant and involved member will be notified of the investigative entity's recommended finding. IPR will notify the complainant that they have a right to request a review of the proposed findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the proposed findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.

7. Nothing in this Section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this Section.

8. The Mayor will be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

3.21.130 Communications

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

3.21.140 Filing of requests for review.

A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.

B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:

1. Appellant has limited English language proficiency.
2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.

C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.

D. The request for review will include:

1. The name, address, and telephone number of the appellant;
2. The approximate date the complaint was filed (if known);
3. The substance of the complaint;
4. The reason or reasons the appellant is dissatisfied with the investigation.

E. The complainant or member may withdraw the request for review at any time.

3.21.150 Case File Review.

A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing will be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review will take place prior to the Appeal Hearing either on the same day or on an earlier date.

B. The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. Public comment will be allowed before the Committee has made a decision whether a case is ready for an Appeal Hearing. In the event that the Committee conducts a Case File Review and Appeal Hearing on the same day, public comment will be allowed before the Committee has made its recommendation to the Bureau.

C. During either the Case File Review or appeal hearing, the Committee may direct, by majority vote, additional investigation by either IAD and/or IPR.

1. Only Committee members who have read the case file are eligible to vote.
2. The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IAD or IPR.
3. The request for additional investigation may include multiple areas of inquiry.
4. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.

D. If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee will vote on when to hold an appeal hearing.

3.21.160 Hearing Appeals.

A. An appeal hearing will be conducted after a majority vote of the Committee to hold such a hearing at the case file review or other meeting of the full Committee. Public comment will be allowed before the Committee has made its recommendation to the Bureau.

1. At the appeal hearing the Committee will decide by majority vote:
 - a. To recommend further investigation by IAD or IPR; or
 - b. If the finding is supported by the evidence. In a case where the majority of the voting members of the Committee affirms that the Bureau's proposed findings are supported by the evidence, the Director will close the complaint; or
 - c. If the finding is not supported by the evidence. In a case where a majority of the voting members of the Committee challenges one or more of the Bureau's proposed findings by determining that one or more of the findings is not supported by the evidence, and recommends a different finding, the Director will formally advise the Bureau in writing of the Committee recommendation.
 - (1) If the Bureau accepts the recommendation, the Bureau will formally advise the Director in writing, and the Director will close the case.
 - (2) If the Bureau does not accept the recommendation, the Bureau will formally advise the Director in writing, and the Director will schedule the case for a conference hearing.
 - (a) At the conference hearing, if the Committee, by a majority vote, is able to reach an agreement with the Bureau on the proposed findings, the Director will close the case.

(b) If, by majority vote, the Committee cannot reach an agreement with the Bureau on the proposed findings, the Committee will vote whether to present the appeal to City Council.

(c) If, by majority vote, the Committee decides to present the appeal to City Council, the Director and the Committee Chair will schedule an appeal hearing before City Council. The Committee will appoint one of its members to present its recommended findings during the appeal to City Council.

2. In its hearing the Council will decide:

a. If the finding is supported by the evidence. The Director will inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or

b. If the finding is not supported by the evidence. The Council will decide what the finding is. The Director will inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.

B. In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel. When the Committee's review process develops new information, the Committee may consider the new information when determining if additional investigation is warranted, but the Committee may not incorporate the new information in the evidentiary record the Committee considers when determining if a finding is supported by the evidence.

C. In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, any documents accumulated during the investigation, the recording of the Committee's case file review and appeal hearing, the Committee's Case File review Worksheet, and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.

D. Witnesses.

1. The Committee and Council may require within its scope of review the investigators and Captain of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible

Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.

2. Other witnesses. Other witnesses will not be required to appear involuntarily before the Committee.

3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with this Subsection will not be delegated by the Council to the Committee.

3.21.170 Monitoring and Reporting.

A. The Director will develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.

B. The Director will use complaint and Risk Management division data to support the Bureau's Early Warning System.

C. The Director will work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.

D. The Director will work with the Committee to develop quarterly and annual summary reports for the Chief, Mayor, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.180 Increasing Public Access.

A. The Director will work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.

B. The Director will work with the Committee to develop programs to educate the public about IPR and the importance of reporting problems.

C. The Director will work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel will be informed that IPR is the primary means for citizens to file complaints.

D. IPR, Committee and Bureau will develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

3.21.190 Response of Chief.

A. The Chief, after reviewing a report provided by IPR under Code Section 3.21.170, will respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response will indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau.

B. If the Chief fails to respond within 60 days after receipt of the Committee Report, the Director will place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

3.21.200 Limitation on Power.

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

3.21.210 Subpoenas.

IPR will have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review. IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220. Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons will not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.

3.21.220 Bureau Witnesses.

A. A Bureau employee is required to attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or the Mayor will direct the employee to attend the interview and answer the question or questions asked.

B. All IPR interviews of Bureau employees will be conducted in conformance with legal requirements and collective bargaining provisions.

C. Prior to being interviewed, a Bureau employee will be:

1. Notified of the time, date, and location of the interview.

2. Informed of the right to bring a union representative to the interview.
3. Read a statement, issued under the authority of the Police Chief or the Mayor, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge
4. Provided with any other information or protections required by any applicable collective bargaining agreement.

D. A representative of the Police Bureau will attend IPR interviews of Bureau employees for the purpose of reading the statement referenced in Subsection C. and to provide any assistance required by IPR.

Chapter 3.22 Portland Fire & Rescue

3.22.010 General Organization.

Portland Fire & Rescue consists of the Chief Engineer (generally referred to as the Fire Chief) and such other positions as the Council may provide. The mission of Portland Fire & Rescue is to safely protect life, property, and the environment by providing excellence in emergency services, training and prevention. Portland Fire & Rescue is responsible for:

- A.** The saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training and other miscellaneous public services;
- B.** Fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;
- C.** Portland Fire & Rescue budget and finance, long range capital planning and program development, special projects, manual and automated management information systems, planning and administrative support services, and supplying logistical support, which includes facility and vehicle maintenance, operational supplies and services;
- D.** Initial training of all newly hired firefighters, ongoing training to maintain and improve the skills of all personnel, safety and risk management programs, accident and injury investigation and analysis, researching and developing new technologies and practices, and promoting training and educational opportunities for career development of all Bureau personnel.

3.22.020 Subject to Civil Service.

Portland Fire & Rescue members will be appointed as provided by the Charter, subject to the Civil Service rules of the Charter, and thereafter, subject to the restrictions contained in the Charter.

3.22.030 Powers of the City Administrator.

All the powers of the City connected with and incident to the appointment, discipline, and administration of its Portland Fire & Rescue are vested in the City Administrator. The City Administrator has the power and duty to administer Portland Fire & Rescue for effective service within the City, and to that end may authorize the appointment of a Chief of the Bureau and other officers and employees. The City Administrator has the power to make, or power to delegate authority to the Chief of the Bureau to make, all necessary or convenient rules and regulations for the organization and conduct of the Bureau, for receiving and hearing complaints against any members, and for the removal or suspension of any member of the Bureau. The Civil Service rules prescribed in the Charter apply to every officer and member of the Bureau and govern the actions of the City Administrator in its organization and administration of the Bureau.

3.22.040 Care of Property.

The City Administrator has the custody and management of all the public property, including the fire alarm telegraph, pertaining to Portland Fire & Rescue. The Mayor has power and authority, subject to the limitations and appropriations made and expenditures authorized by the Council, to enter into agreements for purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Portland Fire & Rescue may require. The City Administrator may sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the City Administrator unfit for service in the Bureau. The proceeds of any such sale must be paid by the purchaser to the Treasurer of the City, who will issue a proper receipt therefor, and all such monies will be credited to the General Fund of the City.

3.22.050 Duties of Fire Chief.

The Chief of the Bureau will diligently observe the condition of the apparatus and property and workings of the Bureau and make an annual report in writing to the City Administrator. The Fire Chief may also make recommendations from time to time with regard to the needs of the Bureau.

3.22.060 Destroying Buildings to Check Fire.

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

3.22.070 Appointment of Temporary Employees.

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

3.22.080 Assignments of Disabled Members.

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

3.22.090 Rules and Regulations and Administrative Orders.

The rules and regulations of Portland Fire & Rescue will be promulgated by the Fire Chief, subject to approval by the City Administrator, and the Fire Chief has authority to issue general and special orders that are administrative in nature and are in addition to or supplemental to the rules and regulations as promulgated by the Chief Engineer and approved by the City Administrator. The rules and regulations and the general or special orders will govern the conduct of the members of Portland Fire & Rescue and will be designed for the efficient and effective functioning of the Bureau.

3.22.100 Uniforms.

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

A. The Chief of the Bureau will, subject to the approval of the City Administrator, prescribe specifications for fire uniforms and establish rules, regulations and conditions of wearing thereof.

B. Consistent with the budget, the City Administrator will designate which items of the uniform specified by the Chief of the Bureau under Subsection A. above will be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual fire duties. Each new employee will be furnished a complete set of designated items of uniform. All other employees will be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of the Bureau. Items furnished by the City will remain property of the City. The Chief of the Bureau will establish the rules, regulations and conditions for issuance and control thereof.

C. The Chief of the Bureau, subject to approval of the City Administrator, has the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform will be furnished, and those employees affected will receive an annual cash clothing allowance in lieu of the items of uniform furnished by the City. Clothing allowances will be paid as determined by administrative rule.

3.22.110 Fire Prevention and Suppression Contracts.

The Mayor is authorized to enter into contracts under the provisions of the State Rural Fire Protection District Act. Contracts authorized by this Section are subject to the following conditions:

- A.** The City will provide both fire prevention and fire suppression services and will not provide fire suppression services only.
- B.** Payment for services by individuals and private organizations, having no tax levying authority under State law, must be in advance, excepting those contracts in excess of \$25,000, which may be paid on a quarterly basis in advance. The Mayor will execute such contracts only upon receipt of such payment;
- C.** Contracts with political subdivisions of the State will be entered into only upon certification by the governing body of such political subdivision that there will be assessed upon the taxpayers of such political subdivision an amount not less than:
 1. The contract price.
 2. Unpaid balances, if any, owing the City on previous fire prevention and suppression contracts.
 3. An estimated amount sufficient to compensate for the delinquencies, based upon previous experience.

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

D. As used in this Section:

1. **Effective year** means the fiscal year in which the contract is operative,
2. **Previous year** means the fiscal year first preceding the effective year.
3. **Property owner's assessed value** means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the Mayor will decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner's assessed valuation, be outside Multnomah County, the assessed value will be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.

4. Assessed value of City property means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County will be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.

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

- a. Portland Fire & Rescue General Fund budget of the previous year,
- b. A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firefighters to the number of police officers employed on January 1 of the previous year, and;
- c. 10 percent of the total of Subsections a. and b. above to allow for payroll taxes and other expenditures outside the Portland Fire & Rescue General Fund budget;

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

(Cost To City taxpayers)

Multiplied by

(Property owner's assessed value)

Divided by

(Assessed value of City property)

F. Each application for a fire suppression and/or fire prevention contract under this Section, and for renewal of a previous contract under this Section, will be forwarded to the Chief of the Bureau. The Chief will attach to the application the Chief's report upon the accessibility, water supply, distance from the City fire equipment, and other conditions pertaining to the area to be protected. The Chief will then submit the application to the City Administrator for approval or disapproval before a contract is entered into.

3.22.120 Renewal Notices.

On or near February 15 of each year the City Administrator will mail to each individual, organization and political subdivision then under contract with the City for fire suppression and/or fire prevention, letter stating the dollar amount the City will charge for renewal of the contract in the next succeeding fiscal year. This amount will be computed by the formula in Section 3.22.110. The letter, if directed to a political subdivision contracting under Subsection 3.22.110 B., will also state the amount owed

the City and then in arrears, if any, under preceding contracts or the contract then in effect. Such letter will not operate as a waiver or estoppel of the right of the City to refuse renewal of any contract under Subsection 3.22.110 B. because of delinquencies or other good cause.

3.22.130 Contract Form to be Approved by City Attorney.

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

3.22.140 Mutual Assistance Agreements.

The Mayor and the City Administrator may enter in agreements with agencies of the federal government and with political subdivisions of a state in which each party agrees to provide mutual assistance, in the form of personnel and equipment, in combating large fires within the boundaries of the other party or parties to such agreements.

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

Upon the approval of the Chief of the Bureau and of the City Administrator, the fire boats of Portland Fire & Rescue may be used for the purpose of pumping out water from boats and barges which ply the Willamette or Columbia rivers.

3.22.160 Fees for Pumping Water from Imperiled Vessels.

The fees for the emergency pumping services permitted by Section 3.22.150 are \$200 per hour. The owner, owner's agent, or master of the vessel requesting the nonfire emergency pumping service must be advised that the pumping fee is \$200 per hour before a fire boat is dispatched to the emergency location. The fire boat officer, on arrival, must obtain written agreement from the owner, owner's agent or master of the vessel in peril to pay the City \$200 per hour for salvage pumping before beginning operations. When the service of the fire boat is completed, the Chief of Portland Fire & Rescue will certify to the City Administrator the exact time employed by the fire boat, and the City Administrator will then make a final charge for such service and require payment of such charge by the applicant. In the event salvage efforts fail, and if so recommended by the Chief of the Bureau, the City Administrator may reduce or omit the pumping fee.

3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.

All awards earned by members of Portland Fire & Rescue participating in Rose Festival activities will go to the personnel and improvements of the fire engine quarters where such companies are housed.

3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

A. General provisions.

- 1. Title.** This plan is known as the Forested and Wildland Interface Areas Protection Plan of the City.
- 2. Scope.** This plan is primarily designed for the detection and suppression of forest and brush fires in forested, rural and urban areas of the City, and in all areas with which the City has contracted to furnish fire protection. Additionally, the fire suppression provisions of this plan may be activated when a fire outside the City becomes a threat to areas within.
- 3. Purpose.** The purpose of this plan is to establish operational responsibilities of departments and bureaus of the Portland municipal government and supporting agencies within the scope of this plan.
- 4. Participation required.** Participation is required of relevant bureaus including but not limited to: Portland Parks & Recreation; Portland Fire & Rescue; Portland Police Bureau; Portland Water Bureau; Bureau of Fleet & Facilities; and Portland Bureau of Transportation.
- 5. Participation voluntary.** Voluntary participation by nongovernmental agencies having emergency capabilities in areas of disaster relief is authorized and encouraged; provided, however, that each voluntary agency must submit an operational program to this plan as provided in Subsection B. below.

B. Plan coordination.

- 1. Coordinator.** The Chief of the Bureau is known as the coordinator of this plan. They will see that the operational programs of departments, bureaus and supporting agencies are submitted and made a part of this plan and kept current from year to year.
- 2. Operational programs.** The head of each participating bureau, office and/or agency will submit an operation program to the Coordinator and keep the Coordinator informed of changes at all times. Such operational programs will be a part of this plan. They will include the names and telephone numbers of key alerting personnel, a listing of other personnel by number and job classification, and a listing of all mobile and special equipment. Additionally, operational programs of Portland Fire & Rescue and Portland Parks & Recreation will contain descriptive details of routine maintenance and regulatory responsibilities. The operational programs are respectively identified as follows:

PROGRAM I: Portland Parks & Recreation

PROGRAM II: Portland Fire & Rescue

PROGRAM III: Bureau of Police

PROGRAM IV: Portland Water Bureau

PROGRAM V: General Services

PROGRAM VIII: Maintenance Operations

PROGRAM IX: Reserved for Nongovernmental

PROGRAM X: Reserved for Nongovernmental

C. Command responsibility for firefighting.

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

D. Activation and response.

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

E. Personnel alerting.

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

Chapter 3.24 Portland Water Bureau

3.24.010 Organization.

The Portland Water Bureau is under the direction and control of the City Administrator. The Bureau is charged with the responsibility for the finance, operation, maintenance and improvement of the City's water distribution system and will be made up of the work groups set forth in this Chapter. The Director, subject to the approval of the City

Administrator, will coordinate and manage the Bureau's work groups in a manner that achieves the Bureau's mission and meets the goals established by the City Council.

3.24.020 Administration.

The Director's Office, subject to the approval of the City Administrator, is responsible for policy planning, leadership, direction, and operation of the Bureau. The Director's Office also manages security for the distribution system, property management, organization development, Bureau human resources management, public information/involvement, long-range planning, government and community relations, legislative activities, and liaison with the City Administrator and City Council.

The City Administrator is authorized to enforce the provisions of Portland City Code Chapters 17.36 Sewer User Charges and 21.16 Rates and Charges addressing delinquent water, sewer and stormwater management charges, collections, adjustments and refunds.

3.24.030 Customer Service Group.

The Customer Service Group manages billing and collection services for the Portland Water Bureau including but not limited to, establishment of new accounts, close out of terminated accounts, meter reading, meter inspection services, leak repair notification, bill generation, payment application, remittance processing, approval of adjustments and refunds, delinquent account notification, collection of delinquent accounts by all legal means, termination of service for delinquency, resumption of water service and such other duties as requested by the City Administrator. The Group will also be responsible for responding to ratepayer inquiries, hearing appeals of the matters for which the Group is responsible and managing financial assistance programs.

When performing these responsibilities for the Bureau of Environmental Services, the Group's authority may be defined by written agreement and administrative rules adopted by the City Administrator.

3.24.040 Engineering Services Group.

The Engineering Services Group is responsible for planning, design, and construction of the Water System. In addition, this group serves as customer liaison for new service installation, drafting (including geographic information system), surveying, inspecting, and maintaining records on distribution system improvements. This group manages the Bureau's emergency management program. This group also has responsibility for developing facility standards, asset management, contract management, and developing and managing the Bureau's Capital Improvement Projects (CIP). Administrative oversight of the Hydroelectric Power function is conducted within this group.

3.24.050 Finance and Support Services Group.

The Finance and Support Services Group provides financial planning, rate setting, budgeting, accounting, payroll, auditing, financial analyses, and fiscal monitoring functions for the Bureau. It also provides clerical support for Bureau staff in the Portland Building. This includes the interfaces to City financial and personnel systems, and other Bureau-specific software systems.

3.24.060 Maintenance and Construction Group.

The Maintenance and Construction Group is responsible for repair, operation, and maintenance of the distribution system. Installation, operation, and maintenance functions related to mains, services, valves, hydrants, and leak detection are performed by this group. This work includes direct services and related support for control valves, carpentry, purchasing and stores operation, and loss control programs. This group manages the Bureau's two apprentice programs. The emergency crew provides response for outside normal work hour requirements, including main breaks and other emergency responses.

3.24.070 Operations Group.

The Operations Group is responsible for the operation and maintenance of water supply and treatment from the Watershed and the Columbia South Shore Well Field (CSSWF). This group operates and maintains the conduits, terminal storage reservoirs, tanks, pump stations, water treatment facilities, pressure regulators, an accredited Laboratory, and the Water Control Center. Work responsibilities include water quality protection, regulatory compliance, laboratory services, system metering, and addressing water quality customer complaints. This group is also responsible for the operation and maintenance of the decorative fountains.

3.24.080 Resources Protection and Planning Group.

The Resource Protection and Planning Group is responsible for Watershed and Columbia South Shore Well Field (CSSWF) management and coordination with federal, state and local partners to protect the quality of both of the City's drinking water sources. This responsibility includes addressing legislative and regulatory issues and performing integrated resource planning, comprehensive planning on major issues, supply and demand analysis, and coordination of the Regional Water Providers Consortium. This Bureau work group is also responsible for the Bureau's business, residential and multifamily water conservation programs and Bureau sustainability efforts.

Chapter 3.26 Portland Parks & Recreation Bureau

3.26.010 Purpose.

The Portland Parks & Recreation Bureau (PP&R) operates, manages, maintains, and improves the parks, recreation areas, playgrounds, natural areas, forests, wetlands, and

human-built or natural facilities of all kinds that collectively serve as the City's park system.

3.26.020 Organization.

PP&R is administered by the City Administrator. PP&R consists of a Director and other employees as the City Administrator may provide. The City Administrator manages, supervises, and coordinates the functions of PP&R. The City Administrator may structure PP&R to carry out its duties and responsibilities.

3.26.030 Duties and Responsibilities.

A. The City Administrator has the duty and responsibility to:

1. Administer Titles 11 and 20 of Portland City Code.
2. Perform assigned internal bureau administrative services and supervise those personnel assigned to the bureau, pursuant to the direction of the City Administrator.
3. Oversee operations, maintenance, management, planning, design services, and capital improvement at real property assigned to PP&R, including but not limited to:
 - a. Property management services;
 - b. Facilities maintenance services, including but not limited to maintenance and repair of buildings, improvements, and their related equipment; and
 - c. Professional and technical services, including but not limited to architectural design, engineering, facilities planning, and project management of capital projects.
4. Implement park facility management and maintenance standards.
5. Maintain records on park system services, activities, programs, and improvements.
6. Implement park system management plans, master plans, and development plans and proposals.
7. Establish, provide, and conduct park system services, activities, and programming, including but not limited to: sports and recreation; aquatics; golf programming and golf courses; recreational, natural area, and environmental education; arts and cultural special events; Portland International Raceway.

8. Undertake land stewardship of the park system, including but not limited to the management of horticultural services, turf and trail care, routine care of park system landscape, pest control, specialty gardens, and community gardens.

9. Manage citywide natural area and tree management, including but not limited to:

- a. Performing urban forestry operations associated with Portland City Code Title 11, including permitting, tree inspections and removal, and pruning trees in the park system and the public right-of-way.
- b. Providing outreach and planting programs to enhance the urban tree canopy.
- c. Enhancing and restoring natural areas, forests, and wetlands to provide habitat to wildlife, insects, and plants.
- d. Coordinating with internal and external stakeholders and program partners.

Chapter 3.27 Portland Parks and Recreation Board

3.27.010 Purpose.

3.27.020 Members and Terms.

3.27.030 Organization and Meetings.

3.27.040 Duties.

3.27.050 Staff Liaison and Support.

3.27.010 Purpose.

The Portland Parks and Recreation Bureau (PP&R) Board is established for the following purposes: to ensure that the policies adopted by the City, including its core values of diversity, equity and inclusion are at the forefront of discussions about park and recreation issues and trends over time, in all areas of the City; to advocate for parks and recreation on a city and regional basis to ensure that parks, natural areas, open spaces and recreation facilities are advanced in city and regional planning and design; to provide continuity when transitions occur in the leadership of PP&R and across the City; and to provide a forum for public discussion and decision-making about park issues, bringing a city-wide and long-term perspective to community and community-based issues.

3.27.020 Members and Terms.

A. The Board will consist of a minimum of nine and a maximum of 15 voting members appointed by the Mayor and confirmed by the Council. Members will serve without compensation for terms of three years. No member will be appointed to more than two full consecutive terms, not to exceed six years of total consecutive service; provided that a member appointed initially to a term of less than three years may thereafter be re-

appointed to two consecutive three-year terms and completion of an unexpired term will not apply to the six-year cumulative limitation. A member otherwise may be re-appointed after at least three years following completion of the member's two consecutive terms. Members are expected to bring a system-wide perspective to the Board and to reflect the demographic and geographic diversity of the City.

B. Technical advisors. The Mayor may invite up to four technical advisors to assist the Board in carrying out its functions as may be convenient and useful to the work assigned to the Board. These advisors are not Board members, do not count towards quorum, and will not have the right to vote. The terms and other conditions of service for these advisors will be described by the Mayor in the initial invitation, or through the Board Chair in collaboration with the Director.

3.27.030 Organization and Meetings.

The Board will adopt rules of procedure as it deems necessary to the conduct of its duties, subject to approval by the Mayor and legal review by the City Attorney. Every two years the Board will elect a Chair and other officers pursuant to the bylaws of the Board. The Board will meet at least quarterly and may meet more often. The Chair, in consultation with the Mayor and the Director, will set the agenda for Board meetings.

3.27.040 Duties.

The Board will:

A. Advise the Council, the Mayor, the City Administrator and the Director on policy matters pertaining to PP&R.

B. Advise the Mayor on the preparation and contents of the annual PP&R budget request.

C. Review plans and policies, either existing or being developed, by other bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City, and advocate for the advancement of the City's park system and park system services in City and regional planning and design.

D. Engage in public outreach, education and advocacy, to the extent permitted by law, as the Mayor, the City Administrator, or the Director determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.

E. Prepare and submit to the Mayor, the City Administrator and the Director an annual report which will summarize the Board's activities during the City's fiscal year and which will identify the major issues facing PP&R and the Board's recommendations for addressing them in the coming fiscal year.

3.27.050 Staff Liaison and Support.

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

Chapter 3.30 Portland Permitting & Development

3.30.005 Organization.

Portland Permitting & Development (PP&D) is supervised by its Director. The Director reports to the City Administrator.

3.30.010 Duties and Responsibilities.

Notwithstanding any other provision of this Code, Portland Permitting & Development is responsible for the following, under the direction and subject to the approval of the City Administrator and, where applicable, the Building Official:

- A.** The operation and management of the City's Development Services Center and all personnel assigned directly or through inter-agency agreements;
- B.** The examination and checking of applications, plans, specifications, and supporting documentation required preliminary to the approval of land use actions and permits for development;
- C.** The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings, or equipment;
- D.** The inspection of sites, buildings, or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws;
- E.** The administration and enforcement of the following:
 - 1.** Portland City Code Title 4, Original Art Murals;
 - 2.** Code Title 10, Erosion and Sediment Control Regulations;
 - 3.** Portions of Code Title 11, Trees, as further specified in that Title;
 - 4.** The following portions of Code Title 14, Public Order and Police: Chapter 14B.100, Liquor License Recommendations; Chapter 14B.120, Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages; and Chapter 14B.130, Marijuana Regulatory License Procedure and Requirements;
 - 5.** Code Title 18, Noise Control;
 - 6.** Code Title 24, Building Regulations;

7. Code Title 25, Plumbing Regulations;
8. Code Title 26, Electrical Regulations;
9. Code Title 27, Heating and Ventilating Regulations;
10. Code Title 28, Floating Structures;
11. Code Title 29, Property Maintenance Regulations;
12. Code Title 32, Signs and Related Regulations;
13. Code Title 33, Planning and Zoning, except as specified in that title;
14. The special jurisdiction provisions in Section 3.30.050;
15. State of Oregon regulations regarding manufactured dwellings; and
16. Other regulations enacted by the State of Oregon and adopted by the Council and assigned to Portland Permitting & Development.

F. The coordination of related permits with other bureaus and offices as required to manage the Development Services Center; and

G. Other duties as assigned.

3.30.020 Public Infrastructure Permitting.

In addition to the duties and functions set forth in Section 3.30.010, Portland Permitting & Development maintains a special relationship with the Bureaus of Environmental Services, Parks, Transportation, and the Portland Water Bureau related to public infrastructure permitting in conjunction with or in support of development on real property.

Some permits may be required for development proposals within public rights-of-way and public easements as described in this Code. Other City bureaus or non-City agencies may require additional permits. Under the direction and subject to the approval of the City Administrator, Portland Permitting & Development, in consultation with the City Engineer and the Chief Engineers of the Bureau of Environmental Services and the Portland Water Bureau, will establish and maintain a list of the specific types of permits that it issues.

A. In addition to the duties and functions set forth in Section 3.30.010, Portland Permitting & Development is responsible for applying those portions of Portland City Code Titles 17 and 21 that are implicated when a land use review, building permit, or other permit is required for work on real property. Portland Permitting & Development is also responsible for applying the relevant portions of Code Titles 11, 17, and 21 when a property owner wishes or is required to obtain a permit for work in the adjacent public

right-of-way or a public easement. To carry out these functions, Portland Permitting & Development, under the direction and subject to the approval of the City Administrator and, where applicable, the Building Official, is responsible for:

1. The examination and checking of applications, plans, specifications, and supporting documentation required preliminary to the approval of land use actions and permits for development;
2. Collaborating with other bureaus and offices as necessary to facilitate the review and approval of public infrastructure permit applications in conjunction with or in support of development on real property;
3. Reviewing applications to connect, build, construct, install, repair, modify, or remove public sewer, stormwater, or transportation infrastructure in the public right-of-way or public easements;
4. Issuing required public works permits;
5. Reviewing application requests for the Portland Water Bureau to connect, build, construct, install, repair, modify, or remove water infrastructure;
6. Reviewing development-related applications, issuing permits, and conducting associated inspections to protect elements of the public sewer and drainage system not located in the public right-of-way;
7. Reviewing development-related applications for street trees, as that term is defined in Code Title 11, and conducting associated inspections;
8. Reviewing and providing conditions of approval for land use reviews; and
9. Responding to customer inquiries and early assistance requests.

3.30.030 Development Review Advisory Committee.

A. Purpose. The Development Review Advisory Committee is a citizen advisory body representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable, and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability, and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input for the development review process by:

1. Providing leadership and expertise on issues affecting development;
2. Providing feedback to bureaus, review bodies, the City Administrator, the Mayor, and the Council on the impact of potential regulations and administrative

rules on the development review process, taking into consideration the full range of City goals and objectives;

3. Providing recommendations for regulatory, Code and administrative rule changes affecting the development review process;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
5. Recommending customer service, permitting, process, and compliance improvements to bureaus, review bodies, the City Administrator, the Mayor and the Council;
6. Serving as an advisory board to development review directors and bureaus on development review processes and procedures; and
7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

B. Membership. The Committee consists of 17 members. The members are appointed by the Mayor and confirmed by the Council. The members will be selected to provide representation of those persons concerned about planning, design, and development. The areas of interest of members will include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations and institutional properties. Members will be appointed so that the Committee consists of one member from organizations representing each of the following groups or, if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers;
2. Citywide neighborhood interests;
3. Design professionals;
4. Environmental conservation and green building;
5. Historic preservation;
6. Home builders;
7. Home remodelers;
8. Land use planning professions;
9. Large developers;
10. Large construction contractors;

11. Low-income housing developers;
12. Major facilities landowners;
13. Minority construction contractors and development professionals;
14. Neighborhood coalition land use committees;
15. Small businesses;
16. Planning Commission, as designated by the Planning Commission Chair (this person serves as an ex officio member of the Committee);
17. Public works permit customers.

C. Appointments and terms. Committee members will be appointed for three-year terms. If a position is vacant during a term, it will be filled for the unexpired term. Members of the Committee will not serve more than two complete three-year terms.

D. Meetings, officers, and subcommittees.

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

E. Attendance. Members of the Committee are expected to attend each meeting of the Committee. The Mayor may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year with a new appointment as set forth in this Section.

F. Compensation. Committee members will serve without compensation.

3.30.040 Administration and Enforcement.

In order to carry out the duties as set forth in in this Chapter, the City Administrator may:

A. Adopt, amend, and repeal policies, procedures, and forms for the enforcement of applicable Code provisions and laws.

B. Establish enforcement fees or penalties for noncompliance.

C. Establish enforcement priorities based on the following:

1. The number of budgeted enforcement personnel;
2. Public safety and welfare factors;
3. Priorities established by the Council before January 1, 2025; and
4. Priorities established by the City Administrator on or after January 1, 2025.

D. Compel compliance by:

1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
2. Causing an appropriate action to be instituted in a court of competent jurisdiction.
3. Issuing a Code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating Code provisions administered by Portland Permitting & Development will be subject to a fine of up to \$1,000 for each citation issued.
4. Taking other lawful action.
5. Revoking a Type B home occupation permit for failure to comply with the regulations of Portland City Code Chapter 33.203 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of Portland City Code Chapter 33.207 by using the following procedures:
 - a. If the City Administrator determines that cause for revocation of a permit exists, the City Administrator will provide written notice thereof to the permittee. The notice will contain a brief description of the facts supporting the revocation, the date the revocation becomes final and a notice of the permittee's right to appeal the revocation.
 - b. The notice will be mailed by certified mail, return receipt requested, and regular mail to the permittee.
 - c. The revocation will become final and effective thirteen calendar days after the notice is mailed unless an appeal is filed.
 - d. Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of

Portland City Code Chapter 22.10. The filing of an appeal will stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.

E. Impose fees or penalties for non-compliance, issue citations, provide notification, and allow for appeals by:

- 1.** Initiating the notification procedures provided in Portland City Code Section 29.60.050.
- 2.** Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
 - a.** The property is the subject of a notice of violation by Portland Permitting & Development;
 - b.** A response period of 30 calendar days has passed since the effective date of the initial notice of violation; and
 - c.** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- 3.** Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.
- 4.** Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a Code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
- 5.** All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by Council. Fees or penalties may be updated annually or on an as-needed basis. The approved Enforcement Fee and Penalty Schedule is available at the Development Services Center and on Portland Permitting & Development's web site.
- 6.** When a property meets the conditions for charging any fee or penalty for noncompliance, the revenue service and program of the City Administrator will file a statement identifying the property, the amount of the fee or penalty, and the date upon which the charge should be assessed. The revenue service and program of the City Administrator will notify the property owner of the amount of the assessed fees and penalties and add a 10 percent charge. The revenue service and program of the City Administrator will record the total amount as a lien in the Docket of City Liens. The revenue service and program of the City Administrator will maintain the lien record until the lien and all associated interest and costs are paid in full and the City Administrator certifies that all violations listed in the original or subsequent notice of violation have been corrected.

7. Providing for administrative procedures as set forth in Portland City Code Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Code Section 29.80.020.
9. Allowing exceptions as provided in Code Section 29.60.100.

3.30.045 Administrative Rulemaking.

The City Administrator may adopt and administer administrative rules appropriate to perform the duties set forth in this Chapter.

3.30.050 Special Jurisdiction.

The City Administrator may enforce Portland City Code Section 14A.20.070; Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I.; and Sections 16.20.160, 16.20.170, 16.70.450, and 16.70.800. The City Administrator may issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to enforcement remedies as described in Subsection 3.30.040 C.

3.30.060 Nuisance Abatement Contracts.

The City Administrator may either abate a nuisance with City personnel as may be provided by this Code or, when necessary, contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060.

3.30.070 Inspections on Property.

A. Definitions. The following definitions apply to this Section unless the context requires otherwise:

1. **Building regulations** means any City Code Title listed in Section 3.30.010 and any other safety or health statute, ordinance, regulation, rule, standard, or order the City is authorized to enforce.
2. **Property** means real property and all improvements or structures on that property, from property line to property line.

B. Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title or whenever the City Administrator or Building Official has reasonable cause to believe that there exists in any building or upon any property any condition that makes such property substandard as defined in any building regulations, the City Administrator may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by City Code or statute. An inspection warrant is an order

authorizing a safety or health inspection or investigation to be conducted at a designated building or property.

C. Grounds for issuance of inspection warrants; affidavit.

1. Affidavit. An inspection warrant will be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance, or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit must contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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

D. Procedure for issuance of inspection warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and must be satisfied of the existence of grounds for granting such application.

2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge may issue the warrant, which must include the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant must contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

E. Execution of inspection warrants.

1. Occupied property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant must, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant

or person in possession of the property the warrant or a copy thereof upon request.

2. Unoccupied property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant must be conspicuously posted on the property.

3. Police assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.

4. Return. An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within five business days from its date of execution, unless such judge before the expiration of such time extends the time for five business days. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

3.30.080 Stop Work Orders.

A. When necessary to compel compliance with this Title or to address any violations of provisions administered by Portland Permitting & Development, the City Administrator may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the City Administrator issues a stop work order, activity subject to the order may not resume until such time as the City Administrator gives specific approval in writing. The stop work order will be in writing and will include:

1. The date the order is issued;
2. The permit or registration number, where applicable;
3. The site address, legal description, or project location that is subject to the stop work order;
4. A description of violations observed; and
5. The conditions under which the work may resume.

B. The stop work order will be posted by the City Administrator at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner and any person authorized to act on the owner's behalf, if identified, by regular first-class mail.

C. It is unlawful for any person to remove, obscure, mutilate, or otherwise damage a stop work order.

D. A stop work order is effective upon posting.

E. When an emergency condition exists, the City Administrator may issue a stop work order orally. The City Administrator will then issue a written notice as provided under Subsection A., above, within one working day.

F. The City Administrator may issue a stop work order for work commenced without a required permit.

G. The City Administrator may impose a penalty as set forth in the adopted Enforcement Fee and Penalty Schedule when a stop work order is issued. The stop work order penalty may be assessed for each day the violation or condition giving rise to the order continues.

H. Review of stop work order by the City Administrator:

1. If a property owner or any person authorized to act on the owner's behalf has received a stop work order as described in this Section and the recipient believes the order has been issued in error, the recipient may request that the order be reviewed by the City Administrator. The recipient must submit a written request to the Director within 15 calendar days of the date of the order. The written request must be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A. of this Section. Following review, the City Administrator will issue a written determination. The City Administrator's determination will be served on the property owner and any person authorized to act on the owner's behalf by regular mail.

2. A property owner or any person authorized to act on the owner's behalf may appeal the City Administrator's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10.

3. Nothing in this Chapter limits the authority of the City Administrator to initiate a code enforcement proceeding under Portland City Code Title 22.

Chapter 3.33 Bureau of Planning and Sustainability

3.33.010 Purpose.

The purpose of this Chapter is to describe the organization and functions of the Bureau of Planning and Sustainability.

3.33.020 Organization.

The City Administrator administers and the Director of Planning and Sustainability leads the Bureau. The Director of the Bureau determines the organizational structure of the Bureau after consultation with the City Administrator. The City Administrator administers the City's solid waste and recycling rules and programs.

3.33.030 Functions.

The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long-range planning.

The Bureau of Planning and Sustainability:

- A.** Works with the City Administrator, Mayor, Council, Planning Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B.** Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of Portland;
- C.** Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Portland City Code Title 33, Planning and Zoning, portions of other Titles, and a range of programs and policies;
- D.** Maintains, modifies, and updates Portland City Code Title 33, Planning and Zoning, and the City Zoning Map;
- E.** Develops, modifies and updates City sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Provides support for:

1. The activities of the Planning Commission;
2. The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
3. The activities of the Community Involvement Committee.
4. The activities of the Sustainability and Climate Commission.

J. Coordinates Citywide broadband planning, communications policy advocacy, technology grants, and related consumer protection activities.

K. Supervises and coordinates all franchising processes engaged in by the City, monitors the performance of all franchisees for franchise compliance, and performs all other necessary work relating to franchises in the City.

L. Implements Title 12, Utility Operators, of this Code.

M. Promotes the orderly development of City-owned and City-partnered broadband and cable communication systems, provides staff support needed by the Mt. Hood Cable Regulatory Commission, and performs all other necessary work related to broadband planning, communications policy advocacy, related technology grants, and cable communications in the City.

N. Oversees franchise and utility audits and revenues in coordination with the Auditor's Office, the City Administrator, and other City agencies and bureaus.

O. Has jurisdiction over all franchisees and utility licensees, all public and private utilities and other entities seeking similar rights to use City rights-of-way, and all cable communications and broadband policy matters affecting Portland.

P. Carries out other tasks and functions as required by the City Administrator, Mayor, or Council.

Chapter 3.36 Portland Housing Bureau

3.36.010 Purpose.

The purpose of this Chapter is to describe the duties and responsibilities of the Portland Housing Bureau.

3.36.020 Organization.

The Portland Housing Bureau is responsible for housing policy, its implementation, and the distribution and oversight of public and other funds that address the housing interests of the City, and related programs and services.

3.36.030 Functions.

A. The Portland Housing Bureau:

1. Works with the City Council, other bureaus, and the community to develop a vision for housing in the City;
2. Convenes government, community and stakeholders to coordinate planning for addressing homelessness, housing, and related activities;
3. Develops, modifies, evaluates, and updates City policy in accordance with planning priorities;
4. Develops, modifies, and updates community programs related to housing;
5. Distributes funds in accordance with planning, policy, and program priorities to advance the City's interests in housing;
6. Monitors the City's investment in Portland's affordable housing infrastructure for compliance with funding goals and the proactive management of the assets;
7. Monitors programs funded through the Bureau for compliance with funding goals;
8. Identifies the resources required to support the City's housing policies, programs, and priorities;
9. Provides support for the Portland Advisory Committee on Housing (Chapter 3.38); and
10. Carries out other tasks and functions as required by the Mayor, City Administrator, or Council.

Chapter 3.38 Portland Advisory Committee on Housing (PACH)

3.38.010 Created.

The Portland Advisory Committee on Housing (PACH) is established and designated as the primary public forum for discussion of housing and housing-related policies and programs, guiding City and Portland Housing Bureau (PHB) goals around housing production, preservation, and protections.

3.38.020 Mission.

The mission of the PACH is to elevate the importance of housing stabilization in

Portland communities by providing comprehensive advice to the Mayor, City Administrator, Director of PHB, and Council.

3.38.030 Duties.

The PACH will:

A. Advise on housing policy and planning priorities, including those faced by Portland community members, landlords, tenants, and homeowners.

B. Periodically review and recommend updates to PHB's strategic plan, Consolidated Plan, Fair Housing Plan, and adherence to the Affirmatively Furthering Fair Housing mandate.

C. Reinforce PHB's commitment to racial equity in all facets of work.

D. Provide the forum for community members to comment on needs and priorities.

3.38.040 Membership.

A. Membership on the PACH should balance professional and lived experience and reflect the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the City. Individual committee member backgrounds may include some or many of these experiences and identities.

B. Professional expertise includes (1) housing policy and mixed-income housing models, (2) affordable housing development, preservation, and financing, and (3) landlord tenant law, fair housing, and property management.

C. Lived experience includes housing instability, eviction, neighborhood displacement, fair housing violations, identification with a community population that has been historically disenfranchised, marginalized, or excluded from public engagement, processes, and benefits.

D. The PACH will consist of at least 10 and no more than 15 members.

E. Two seats will be reserved for youth representation, defined for individuals aged 16 - 24.

F. PACH members will be appointed by the Mayor and confirmed by Council.

G. Members will be expected to transcend their individual interests and affiliations to focus on meeting the City's housing needs.

H. Members will serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PACH.

I. The PACH will adopt rules of procedure and bylaws for the governance of its proceedings, which must be approved as to form by the City Attorney.

3.38.050 Staffing.

The Director of PHB will provide staff for the ongoing functions of the PACH. PHB will provide notice of PACH meetings to liaison staff representing the other key implementing and policy agencies in the local housing delivery system.

3.38.060 Consolidated Plan Consortium.

PHB will continue to lead the Portland Consortium that includes the City of Gresham and Multnomah County, for the purpose of applying for federal housing and community development entitlement funds, and funding for homeless programs and services. PHB will also continue to lead the same Consortium in preparing the Analysis of Impediments to Fair Housing and its periodic updates. PHB will continue to provide staffing for these efforts, according to funding agreements reached among the participating jurisdictions.

3.38.070 Cooperation.

All City boards, bureaus, and agencies of any kind will cooperate with the PACH and provide information requested by the PACH.

Chapter 3.54 Occupational Health & Safety Loss Control and Prevention

3.54.010 Definitions.

3.54.020 Risk Management Responsibility and Authority.

3.54.030 Bureau Responsibility and Authority.

3.54.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

A. Bureau means all City bureaus or offices, including the offices of elected officials.

B. Loss Prevention Policy and **Policy** mean a citywide policy for bureaus to identify risks related to occupational health and safety, including workers' compensation exposures, achieve regulatory compliance, and promote a culture of safety.

3.54.020 Risk Management Division Responsibility and Authority.

The City Administrator, through its Risk Management division, will have the following responsibility and authority in the area of City loss control and prevention:

A. Develop a Loss Prevention Policy that outlines expectations and create a template to assist bureaus in developing a Loss Prevention Plan;

B. Review Bureau Loss Prevention Plans based on the Loss Prevention Policy and template;

C. Advise and assist bureaus in the completion and implementation of their Loss Prevention Plans; and

D. Monitor bureau loss prevention efforts and report information on City accomplishments.

3.54.030 Bureau Responsibility and Authority.

Each bureau will have the following responsibility and authority:

A. Develop a written Loss Prevention Plan using Risk Management's template; utilize Risk Management's consulting services to assist with plan development, as necessary; and provide the proposed plan to Risk Management for review;

B. Implement the bureau's Loss Prevention Plan and track bureau loss prevention effort accomplishments using Risk Management's reporting form; and

C. Annually review the bureau's Loss Prevention Plan. Consult with Risk Management to update the Plan in accordance with the Loss Prevention Policy.

Chapter 3.72 Committee on Claims

3.72.010 Created - Members - Meetings.

3.72.020 Presentation of Claims.

3.72.030 Consideration of Claims Not Covered by Insurance.

3.72.010 Created - Members - Meetings.

A. Created. A committee to be known as the "Committee on Claims" is created for the purpose of considering fair and moral claims against the City not covered by insurance and making recommendations concerning the claims to the Mayor.

B. Members. This Committee on Claims will consist of two members appointed by the Mayor, one of whom will be designated Chair, and the Auditor. The Risk Manager will meet with the Committee on Claims, without power of vote, and serve as Secretary.

C. Meetings. The Committee on Claims will meet at times designated by the Chair.

3.72.020 Presentation of Claims.

All fair and moral claims against the City must be presented to the Risk Manager. Presentation to the Risk Manager will, for all legal purposes, be regarded as

presentment to the City. Nothing contained in this Section may be construed as repealing or modifying any of the provisions of Sections 1-106 and 1-107 of the Charter.

3.72.030 Consideration of Claims Not Covered by Insurance.

The Risk Manager will investigate and process all fair and moral claims against the City. The Risk Manager will present to the meeting of the Committee on Claims all facts and evidence gathered. The Committee on Claims will make a recommendation on all claims presented, to the Mayor or the City Administrator for their consideration and final decision.

Chapter 3.74 Oaths of Office

3.74.010 Persons Required to Take Oath.

A. Each of the following employees is required to take an oath of office. The oath will be filed and preserved in the office of the Auditor:

1. Every officer and member of the Bureau of Police, including temporary and reserve officers;
2. Parking code enforcement supervisors and officers;
3. Each officer and member of Portland Fire & Rescue serving full time and devoting labor exclusively to the interests of the City;
4. Each elected City official;
5. The City Attorney and every deputy City Attorney; and
6. Each deputy Auditor who administers oaths.

B. For boards or commissions that the Council is empowered by the Charter to create, the Council may require the members to take an oath of office. For advisory boards or commissions that the Mayor is empowered by the Charter to create, the Mayor may require the members to take an oath of office. A board or commission created by the Charter may require its members to take an oath of office. If an oath of office is required, the Council, Mayor, or the board or commission will establish requirements for the form, administration, and filing of the oath.

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

The form of oath to be taken by the elected officials of the City, after receiving a certificate of election from the City Elections Officer and before entering upon the discharge of their duties, will be substantially as follows:

I, (name), do solemnly (affirm or swear) that I will support the Constitutions of the United States and of the State of Oregon and the Charter of the City of Portland and its laws; I

will faithfully, honestly and ethically perform my duties as (Mayor/Councilor/ Auditor); I have no undisclosed financial interest in any business located in Portland or having contracts with the City; I hold no other office or position of profit; and I am not a member of any committee of any political party.

Additional language may be added for ceremonial purposes but will not be considered part of the official oath of office.

3.74.030 Form of Oath for Non-Elected City Employees.

The form of oath to be taken by non-elected City employees, before entering upon the discharge of their duties or as soon as possible thereafter, will be substantially as follows:

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

Additional language may be added for ceremonial purposes but will not be considered part of the official oath of office.

3.74.040 Administering Oaths.

When an oath is required by this Chapter:

A. The oath may be administered by the Auditor, a deputy Auditor, a notary public, or a judge or magistrate of any court of record in the United States, within their respective jurisdictions.

B. Oaths must be in writing and signed by the persons taking and administering the oath. Whenever the oath is administered by a person other than the Auditor or a deputy Auditor, the credentials of the person administering the oath will appear on the document, and the oath will be sent immediately to the Auditor.

Chapter 3.76 Public Records

3.76.010 Definitions.

In this Chapter, unless the context otherwise requires:

A. Agency means a City department, bureau, office, commission, board, public corporation, or other organizational unit created by the Charter or Council. For purposes of this Chapter, agency includes the offices of elected officials.

B. Record or **City record** means any recorded information, regardless of physical form or characteristic, prepared, owned, used or retained in connection with the transaction of official business and preserved or appropriate for preservation by an agency as

evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City or because of the informational value in it. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications. These records are public property, subject to Oregon Public Records Law and to the records management requirements established by this Code.

3.76.020 Purpose.

The purpose of this Chapter is to provide for the orderly management and care of current City records and to preserve noncurrent City records of permanent value for administrative, legal, and research purposes.

3.76.030 Archives and Records Management Program Creation and Administration.

The Auditor will maintain a professional Archives and Records Management Program for the City, and is responsible for the maintenance of all City records. The Auditor is the custodian for all permanent records for which an agency has transferred ownership to the Auditor and for all historical records.

3.76.040 Authority and Duties of the Archives and Records Management Program.

The Archives and Records Management Program will:

- A.** Operate the Program and the Archives and Records Center facility in accordance with currently accepted archives and records management professional standards;
- B.** Acquire, receive, appraise and secure records of permanent value from agencies of the City when those records are no longer necessary for conducting current business;
- C.** Acquire, receive, appraise, and secure all records for areas annexed by the City from a county or special district or from a defunct agency of the City;
- D.** Negotiate for the acquisition and return of City records which have been removed from its possession;
- E.** Secure transfer of records to the Archives when it has been determined that the records are stored under conditions that do not meet the standards established by Archives and Records Management;
- F.** Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to the Archives;
- G.** Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic

format;

H. Establish minimum recordkeeping requirements for business systems or applications that maintain official City records;

I. Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;

J. Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;

K. Establish standards for City agencies with regard to the appropriate use of recorded media, accounting for cost, access and preservation;

L. Establish procedures for the preparation of records inventories and descriptions; develop records retention schedules for review by the Auditor and City Attorney and which meet the requirements of Oregon Administrative Rules;

M. Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;

N. Provide training to City agencies and employees on all aspects of records management.

3.76.050 Duties of Elected Officials, City Administrator, and Agencies.

City elected officials, the City Administrator and agencies must:

A. Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;

B. Ensure staff compliance with City records policies and procedures established by Archives and Records Management;

C. Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;

D. Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;

E. Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;

- F.** Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G.** Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;
- H.** Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J.** Ensure that City records are maintained in a manner that meets guidelines set by Archives and Records Management for security and environment;
- K.** Designate a liaison between the agency and Archives and Records Management on all matters relating to the Archives and Records Management Program.

3.76.060 Care of Records.

City records will be managed according to the provisions of Oregon Revised Statutes, Oregon Administrative Rules and of this Chapter.

3.76.070 Destruction of Records.

City records covered by a records retention schedule will be destroyed according to the parameters set forth in the retention schedule. In general, records will not be retained beyond their prescribed retention.

3.76.080 Use of Copies.

- A.** When original City records are reproduced and placed in conveniently accessible files and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.
- B.** Reproduction or replacement of City records made under this Chapter are admissible in evidence as primary evidence of the original writing.

3.76.090 Public Access to Records.

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

Chapter 3.77 Office of the Ombudsman

3.77.010 Purpose.

The Office of the Ombudsman is an independent, impartial office, readily available to the public, responsible to the Auditor, empowered to investigate the administrative acts of City departments, bureaus and other administrative agencies, issue reports and recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of fairness, competency, efficiency and justice in the provision of City services.

3.77.020 Definitions.

A. Administrative act means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.

B. Agent or agency includes any department, bureau, office, institution, corporation, authority, board, commission, committee of the City, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. Excepting: elected officials and their personal staff.

C. City Auditor and **Auditor** refer to the elected City Auditor.

D. City refers to the City of Portland.

E. City Council and **Council** refer to the City's legislative body.

F. Ombudsman means the public official appointed by the Auditor to receive and investigate the public's complaints against administrative acts of City government.

G. Person means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;

H. Record means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.

I. State refers to the State of Oregon.

3.77.030 Office of the Ombudsman.

There is established in accordance with City Charter Section 2-509 the Office of the Ombudsman.

3.77.040 Ombudsman Selection.

The Auditor will select the Ombudsman in accordance with the Auditor's human resource policies and rules and other applicable laws.

3.77.050 Qualifications and Prohibitions.

A. The Ombudsman will be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations, administration, and public policy, and will have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman will be a registered voter of the United States, and will hold a degree from an accredited college/university, or its equivalent in service to local government.

B. No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of their duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

3.77.060 Reserved.

3.77.070 Removal.

The Ombudsman is an at-will employee and may be removed from office by the Auditor.

3.77.080 Staff and Delegation.

A. The Auditor's Office may hire deputies who are accountable to the Ombudsman and other personnel necessary to carry out the provisions of this Chapter, when in keeping within the adopted budget for the Ombudsman's Office.

B. The Ombudsman may delegate to staff members any of the Ombudsman's duties, unless otherwise specified in this Chapter.

3.77.090 Reserved.

3.77.100 Office Facilities and Administration.

A. The City will provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.

B. The Ombudsman will annually recommend a budget proposal for submission to the Auditor, who will in turn include it in the Auditor's budget submission to the Mayor and the Council.

C. The Ombudsman will be located within the Auditor's Office, and be accountable to the Auditor. The Ombudsman will have sole discretion in choosing consultants to assist with investigations. All administrators will retain the authority to deny any request which is otherwise contrary to ordinance or which exceeds the Council-adopted budget for the office.

3.77.110 Powers and Duties.

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

- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if the Ombudsman reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman may require for the discharge of the Ombudsman's duties; and may without prior notice enter and inspect the premises of any agency. Agencies may not restrict the Ombudsman's access to agency employees, subject to collective bargaining obligations to the City's recognized bargaining units;
- D.** In accordance with City Charter, subject to collective bargaining obligations to the City's recognized bargaining units, to have timely access to and to examine and copy, without payment of a fee, any agency information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, subject to any applicable state or federal laws. The Ombudsman will not disclose confidential or legally privileged information or records and will be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to timely produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;
- G.** To take appropriate measures to enforce the provisions of this Chapter, including issuing reports, submitting recommendations, or seeking authorization for legal recourse if necessary to carry out the duties of the Office of the Ombudsman;
- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints; and

I. To ensure that a budget for the Office of the Ombudsman is well-prepared and administered.

3.77.120 Investigations of Complaints.

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

1. contrary to, law, regulation or agency practice;
2. unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
3. based on mistaken facts or irrelevant considerations;
4. unclear or not adequately explained;
5. performed in an inefficient or discourteous manner; or
6. otherwise erroneous or objectionable.

B. The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:

1. the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
2. the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
3. the complaint has been too long delayed to justify present examination;
4. the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
5. the complaint is trivial, frivolous, vexatious or not made in good faith;
6. the resources of the Ombudsman's office are insufficient for adequate investigation; or
7. other complaints are more worthy of attention.

C. The Ombudsman may not investigate matters currently in litigation; matters covered by collective bargaining agreement grievance procedures; or employee or applicant discrimination complaints.

D. The Ombudsman's declining to investigate a complaint will not bar the Ombudsman from proceeding on their own initiative to investigate an administrative act whether or not included in the complaint.

E. The Ombudsman will protect the confidentiality of complainants or witnesses coming before them consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out their duties or the disclosure of records is directed by the District Attorney (see Subsection 3.77.110 F.).

F. The Ombudsman will have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

3.77.130 Communications with Agencies.

A. The Ombudsman may make recommendations to an agency for the resolution of complaints and inquiries in accordance with this Chapter and City Charter.

B. In seeking a resolution to a complaint or inquiry, the Ombudsman may draw the matter to the attention of the City Administrator, any agency head or division manager, the Auditor, Mayor, the Council, or the public.

C. Before formally issuing a report with a conclusion or recommendation that is significantly critical or adverse to an agency, the Ombudsman will consult with that agency and permit the agency reasonable opportunity to reply. The Ombudsman may require an agency to notify them within a reasonable specified time of any action taken on a conclusion or recommendation. The Ombudsman will provide the opportunity to include with a final report a brief statement by the agency.

3.77.140 Communications with Complainant.

A. After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman will inform the complainant.

B. The Ombudsman will, if requested by the complainant, report the status of their investigation to the complainant.

C. After investigation of a complaint, the Ombudsman will inform the complainant of their conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

3.77.150 Procedure after Investigation.

A. If, after investigation, the Ombudsman is of the opinion that an agency should:

1. consider the matter further;
2. modify or cancel an act;

3. alter a regulation, ruling, practice, policy or procedure;
4. explain more fully the act in question; or
5. rectify an omission, or take any other action, the Ombudsman will provide the agency with any conclusions, recommendations and reasons on which the Ombudsman's opinion is based. If the Ombudsman requests, the agency will, within the time specified, inform the Ombudsman about any action taken in response to the Ombudsman's recommendations or the reasons for not implementing them.

B. After a reasonable period of time has elapsed, the Ombudsman may issue final conclusions or recommendations to the Auditor, the Mayor, the City Administrator, City Council or a committee of Council, a grand jury, the public, or any other appropriate authority. The Ombudsman will include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.

C. If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by Council action, the Ombudsman will notify the Council and the agency of a desirable statutory change.

D. If the Ombudsman believes that any agency official or City employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman may refer the matter to the appropriate authorities without notice to that person.

3.77.160 Informing Community Members.

The Ombudsman will post notices or use other appropriate means to inform community members of their rights and protections, as well as the availability of services provided for under this Chapter and City Charter Section 2-509. These notices may include posted notices in public areas or electronic postings or links through Internet websites, including a City website. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

3.77.170 Reports.

The Ombudsman may from time to time and will annually report the Office of the Ombudsman's activities to the Mayor, the City Administrator, Council or any of its committees, the public and, in the Ombudsman's discretion, to agencies.

3.77.180 Reserved.

3.77.190 Duty to Cooperate.

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

3.77.200 Ombudsman Immunities.

To the maximum extent allowable by law, the Ombudsman and the Ombudsman's staff will not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter and City Charter Section 2-509.

3.77.210 Reprisals Prohibited.

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

3.77.220 Relationship to Other Laws.

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

Chapter 3.86 Golf Advisory Committee

3.86.010 Created Organization.

3.86.020 Procedure and Rules.

3.86.030 Duties.

3.86.010 Created Organization.

An advisory committee to the City Administrator and Director of Portland Parks and Recreation is created and is known as the Golf Advisory Committee, consisting of a minimum of nine and a maximum of 15 voting members who will serve without compensation. Members will be entitled to use each of the City's golf facilities, up to four times per year at no charge. Following each member's visit to one of the golf facilities on this basis, they will be required to document the business purpose of the visit on a GAC Visit Form provided by the City. The Mayor will appoint members to serve for a term of three years, and members may serve two consecutive terms. Appointment of members is subject to Council confirmation. The Mayor will seek, to the extent feasible, to promote socio-economic diversity in appointments to the Committee, and, in order to accomplish or promote diversity, may authorize, in the Mayor's sole discretion, complimentary use of the City's golf facilities in addition to that provided to members under this Section. The requirement of this Section that members document the business purpose of their complimentary use of golf facilities will apply to the additional use authorized. The Mayor or their representative will be an advisor to the Committee.

3.86.020 Procedure and Rules.

The Golf Advisory Committee will establish operating rules, bylaws, and procedures for all matters for consideration or action by the Committee, subject to the approval of the City Attorney. The Committee will hold meetings at such time as is set by the body and at any other time at the call of the Committee Chair.

3.86.030 Duties.

The Golf Advisory Committee duties will include, but not be limited to advising the City Administrator and the Director regarding the following areas: Golf Program budget review; review of the Golf Program's Capital Improvement Program; review of golf operating contracts, ground leases and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan; the marketing of the Golf Program; and maximization and use of Golf Program revenue. The Golf Advisory Committee will make an annual written report to the Mayor, City Administrator the Director and Council.

Chapter 3.88 Investment Advisory Committee

3.88.010 Created - Organization.

3.88.020 Procedure and Rules.

3.88.030 Duties.

3.88.010 Created - Organization.

An advisory committee is created to advise the Mayor, the City Administrator, and the City Treasurer, and is known as the Investment Advisory Committee. The Committee consists of a minimum of three public members who serve without compensation. The Mayor appoints the public members of the Committee to serve for two-year terms that are renewable, subject to confirmation by the Council. The Debt Manager is an advisor of the Committee. In case of the resignation, death, or inability to serve of any member, the Mayor may appoint a successor to serve out the unexpired term subject to confirmation by the Council.

3.88.020 Procedure and Rules.

The Investment Advisory Committee will establish rules, bylaws, and procedures necessary to the conduct of its duties and will provide these for the City Attorney's legal review. The Committee will hold meetings at times set by the Committee and at any other time at the call of the Chair or the Mayor. The City Administrator will provide administrative staff support.

3.88.030 Duties.

The Investment Advisory Committee will advise on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Mayor or the City Administrator may request.

Chapter 3.96 Office of Community and Civic Life

3.96.010 Purpose.

3.96.020 Definitions.

3.96.030 Neighborhood Associations.

3.96.040 District Coalitions.

3.96.050 Business Districts.

3.96.060 Responsibilities of the Office of Community & Civic Life.

3.96.010 Purpose.

This Chapter creates a framework by which the people of the City may effectively participate in civic affairs and work to improve the livability and character of their neighborhoods and the City. This Chapter sets out the basis for City recognition of neighborhood associations, district coalitions, and business district associations. This Chapter also creates the Office of Community & Civic Life and sets out its functions, duties and responsibilities. Nothing in this Chapter limits the right of any person or group to participate directly in the decision-making processes of the City.

3.96.020 Definitions.

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

A. Neighborhood: A geographically contiguous self-selected community.

B. Neighborhood association: An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their neighborhood, formally recognized by the City, and subject to administrative rules.

C. District coalition: An independent nonprofit corporation directed by a board that is primarily composed of representatives from its member neighborhood associations and that supports participation services for neighborhood associations and everyone within a geographically defined area, and subject to standards.

D. Business district association: An autonomous nonprofit organization with membership guidelines in its bylaws formed by people in business within a defined geographic boundary for the purpose of promoting the general well-being of their business community, and subject to standards.

E. City agency: Includes all departments, bureaus, offices, boards, and commissions of the City.

F. Standards: Administrative rules that govern engagement with neighborhood associations, district coalitions, business district associations.

3.96.030 Neighborhood Associations.

A. Functions of neighborhood associations. A neighborhood association may engage in, but is not limited to, the following:

1. Make recommendation(s) concerning a particular action, policy or other matter to the City on any topic affecting the livability, safety and economic vitality of the neighborhood, including but not limited to land use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality and public safety;
2. Assist the City in determining priority needs of the neighborhood;
3. Review items for inclusion in the City budget and make recommendations relating to budget items for neighborhood improvement;
4. Undertake projects and activities deemed appropriate by the neighborhood association; and
5. Cooperate with other neighborhood associations and the assigned district coalitions.

B. Responsibilities of neighborhood associations.

1. Neighborhood associations will abide by standards.
2. Neighborhood associations will make a reasonable effort to include affected City agencies in planning activities that affect neighborhood livability.

C. Benefits to neighborhood associations.

1. Any neighborhood association meeting the minimum standards established by Section 3.96.030 is entitled to formal recognition and benefits from the City upon request.
2. If a neighborhood association fails to meet standards, the Office of Community & Civic Life may suspend partial or all benefits to that neighborhood association and may ultimately revoke formal recognition of that neighborhood association.

3.96.040 District Coalitions.

A district coalition will:

- A.** Provide training and orientation, information and support services to Neighborhood Associations within the areas of neighborhood associations served;
- B.** Facilitate communication between people and government;
- C.** Promote public participation within the areas of neighborhoods served on issues of livability, safety, and public policy;

D. Promote, encourage and support the participation of members of diverse communities within the areas of neighborhoods served; and

E. Administer contracts or memorandums of understanding and operate the district coalition in accordance standards.

3.96.050 Business Districts

A. Functions of business districts. A business district may engage in, but is not limited to, the following:

- 1.** Make recommendations concerning a particular action, policy, or other matter to the City on any topic affecting the livability, safety, and economic vitality of the business district, including but not limited to land use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, and public safety;
- 2.** Assist the City in determining priority needs of the business district;
- 3.** Review items for inclusion in the City budget and make recommendations relating to budget items for business district improvement;
- 4.** Undertake projects and activities deemed appropriate by the business district; and
- 5.** Cooperate with other business districts.

3.96.060 Responsibilities of the Office of Community & Civic Life.

In order to facilitate participation and improved communication between the public, neighborhood associations, business district associations, district coalitions and the City, the Office of Community & Civic Life will:

- A.** Assist neighborhood associations, district coalitions and others in planning and developing programs for community engagement and budget review;
- B.** Act as a resource to neighborhood associations, district coalitions, business district associations, community-based organizations, other groups, and the public;
- C.** Notify the public of meetings, hearings, elections, and other public participation events of the City's neighborhood or business district system;
- D.** Enter into, monitor, and administer contracts and memorandums of understanding for neighborhood associations through district coalitions;
- E.** Promote and facilitate open communication and notification from the City to neighborhood associations, district coalitions, and business district associations and

promote and facilitate communication among the City about public involvement best practices and policy;

F. Support and promote public involvement within the neighborhood association and district coalition framework;

G. Adopt and revise such standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through neighborhood associations, district coalitions and business district associations. In so doing, the Office of Community & Civic Life will seek representation from neighborhood associations, district coalitions, business district associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary;

H. Pursuant to the standards, formally recognize a neighborhood association and acknowledge a business district association. If a neighborhood association or business district association fails to meet the minimum requirements of Chapter 3.96, the Office of Community & Civic Life may suspend partial or all benefits and may ultimately revoke formal recognition of a neighborhood association or acknowledgement of a business district association;

I. Promote, encourage and support diverse and multicultural public involvement;

J. Establish open and fair grievance procedures for neighborhood associations, and district coalitions;

K. Establish open meetings and public records standards for neighborhood associations and district coalitions; and

L. Perform other duties as assigned.

Chapter 3.101 Property Tax Exemption for Low-Income Housing Held by Charitable Non-Profit Organizations

3.101.010 Definitions.

As used in this Chapter:

A. Low-income means:

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and

2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

B. Eligible property means land and improvements thereon:

1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;
2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B.1. through 2. by a charitable organization and nonprofit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and
3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

3.101.020 Eligible Organizations.

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

3.101.030 Eligible Property.

As used in this Chapter:

A. Eligible property as defined in Subsections 3.101.010 B.1. through 3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter will be exempt from taxation:

1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;

3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low-income housing pursuant to- ORS 307.541(1)(c)(B).

4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.

5. The exemption has been approved as provided in Sections 3.101.040 and 3.101.050 of this Chapter.

B. For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:

1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or

2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.

C. Pursuant to ORS 307.541(3), a partnership will be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

3.101.040 Application Procedure.

A. To qualify for the exemption the corporation must file an application for exemption with the Portland Housing Bureau acting on behalf of the City for each assessment the year the corporation wants the exemption. The application must be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year must be filed within 30 days after the date of acquisition. The application must include the following information:

1. The applicant's name, address, and telephone number;

2. The assessor's property account number for each site;

3. The number of units and the exempted amount of each property being applied for under this Chapter;

4. A description of the property for which the exemption is requested;

5. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;

6. A description of how the tax exemption will benefit project residents; and

7. A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
8. A certification of income levels of low-income occupants;
9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
10. A description of the development of the property if the property is being held for future low-income housing development; and
11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.

B. The application must include the following statements:

1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low-income occupants, will qualify for exemption at the time of application approval or within 30 days of the March 1 application deadline;
3. That the applicant acknowledges responsibility for compliance with Portland City Code regardless of whether the applicant obtains the exemption provided by this Chapter.
4. The applicant must furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.

C. The applicant must verify the information in the application, in accordance with Subsections 3.101.040 B.1. through 3. above, by oath or affirmation.

D. Applicants for an exemption under this Chapter must pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau will pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau will collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred.

3.101.050 Review of Application.

A. Within 30 days after the March 1 deadline for the application and payment of the application fee, the Portland Housing Bureau will approve or deny the application. The application will be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of Subsections 3.101.010 B.1. through 3., and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.

B. If the application is approved, the Portland Housing Bureau must send written notice of approval to the applicant.

C. The Portland Housing Bureau must file a certified list of approved properties with the County Assessor on or before April 1.

D. If the application is denied, the Portland Housing Bureau must state in writing the reasons for denial and send the notice to the applicant at their last known address within 10 days after the denial. The Portland Housing Bureau will retain that portion of the application fee which is attributable to its own administrative costs and will refund the balance to the applicant.

E. The application will be assigned an application and receipt number.

3.101.060 Annual Application Renewal.

A. Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.

B. The annual application renewal fee will be set by the Portland Housing Bureau.

3.101.070 Assessment Exemption.

A Property for which an application for a property tax exemption has been approved under the provisions of this Chapter will be exempt from ad valorem taxation for one year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section will be in addition to any other exemption provided by law.

B. Applications for property tax exemption under this Chapter will apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.

C. The exemption as provided by this Chapter will apply to the tax levy of all taxing districts in Portland in which property certified for exemption is located as long as the City has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

3.101.080 Termination.

A. If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that noncompliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau must give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice must state the reasons for the proposed termination of the exemption and require the owner to appear before Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.

B. If the owner does not appear or if they appear and fail to show cause why the exemption should not be terminated, the Portland Housing Bureau must notify every known lender and must allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance will be remedied.

C. If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, Council will adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution must be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.

D. Upon final adjudication, the county officials having possession of the assessment and tax rolls will correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by Council or by a court, in accordance with the findings of Council or the court as the assessment year in which the exemption is to terminate. The County Assessor will make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A. of this Section, the property will be revalued beginning July 1 of the calendar year in which the noncompliance first occurred. Any additional taxes becoming due will be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes will thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

3.101.090 Implementation.

The Portland Housing Bureau will establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by ORS 307.545.

Chapter 3.102 Property Tax Exemption for New

Construction of Single-Unit Housing Held by Charitable Non-Profit Organizations

3.102.010 Purpose.

3.102.020 Definitions.

3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.

3.102.040 Exemption Requirements.

3.102.050 Application Review and Approval.

3.102.060 Compliance.

3.102.070 Termination of the Exemption.

3.102.080 Implementation.

3.102.010 Purpose.

A. The City adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.

B. In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:

1. Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
3. Provide transparent and accountable stewardship of public investments.

3.102.020 Definitions.

As used in this Chapter:

A. Administrative rules means the Homebuyer Opportunity Limited Tax Exemption program administrative rules which set forth the program requirements, processes and procedures.

B. Applicant means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.

C. Single-unit housing has the meaning set forth in ORS 307.651(3).

3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.

A. Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the administrative rules.

B. However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

3.102.040 Exemption Requirements.

In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

A. Property.

1. Single-unit housing must be located within the City;
2. Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
3. Construction of the single-unit housing must be completed according to ORS 307.651(3)(b), except as provided in ORS 307.677;
4. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two-bedroom homes are allowed, which is available as an appendix to the administrative rules; and
5. The single-unit housing must comply with all other planning and zoning requirements under the Portland City Code.

B. Affordability.

1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For applications received by PHB prior to March 1, 2024, each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred twenty percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more

than four persons so long as the single-unit housing sells to a qualified homebuyer prior to July 1, 2026.

3. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

C. Owner-occupancy.

1. Once sold to the initial buyer, the dwelling unit must remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;

2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:

- a. Active military duty outside of the area;
- b. Temporary relocation to care for an ill or dying family member; or
- c. Temporary relocation caused by an employer; and

3. The single-unit housing may not be rented at any time during the exemption period.

D. Equity.

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.

2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to ensure that communities of color are aware of properties for sale with exemptions.

E. Green Building. The new construction must be built to meet healthy and resource efficient environmental building standards.

F. Application fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

3.102.050 Application Review and Approval.

A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.

B. Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.

C. The issuance of final building permits will indicate compliance with the Code of the City of Portland and will be sufficient to meet the design standards as described in ORS 307.651(3)(a).

D. Portland Housing Bureau will review and approve or deny complete applications, and deliver a list of the approved applications to Multnomah County, within the timeframe set forth in ORS 307.674..

3.102.060 Compliance.

A. Upon approval, Portland Housing Bureau will record a notice on title of the property requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each property to an initial homebuyer, as well as to subsequent purchasers throughout the duration of the exemption for any HOLTE applications approved after July 1, 2018.

B. Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.

C. Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

3.102.070 Termination of the Exemption.

If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

3.102.080 Implementation.

The City Administrator may enter into covenants and agreements, prepare forms, and adopt, amend, and repeal administrative rules that establish procedures, policies, program requirements, compliance monitoring standards, and penalties for implementation, administration, and enforcement of a program consistent with the provisions of this Section. The City Administrator may make changes to the administrative rules as is necessary to meet current City housing program requirements. PHB administrative rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the Homebuyer Opportunity Limited Tax Exemption program.

Chapter 3.103 Property Tax Exemption for Multiple-

Unit Housing Development

- 3.103.010 Purpose.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Program Requirements.
- 3.103.050 Application Review.
- 3.103.060 Application Approval.
- 3.103.070 Rental Building Compliance.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.090 Termination of the Exemption.
- 3.103.100 Implementation.

3.103.010 Purpose.

A. The City, acting by and through the Portland Housing Bureau, adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions referred to as the Multiple-Unit Limited Tax Exemption (MULTE) program.

B. In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:

1. Support the production of units affordable to households earning 80 percent or less of the median family income (MFI), with an emphasis on households earning 60 percent MFI or less;
2. Structure the MULTE program to support the variety of Inclusionary Housing program compliance options, with an emphasis on mixed-income buildings in high opportunity areas;
3. Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

As used in this Chapter:

A. Administrative rules means the tax exemption program administrative rules which set forth the program requirements, processes, and procedures, and are filed as Portland Policy Documents.

B. Applicant means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.

C. Building means a structure of multiple-unit housing that qualifies to receive the MULTE.

D. Compliance period means:

1. Rental buildings: the 99-year time period during which the regulatory agreement applies to the building receiving the MULTE. The compliance period begins at the date that Portland Permitting & Development issues the final certificate of occupancy for the building.
2. For-sale buildings: The 99-year time period during which the regulatory agreement applies to each unit with income restrictions. The compliance period begins upon the initial qualified sale from the owner to a homebuyer.

E. Inclusionary housing program means the inclusionary housing requirements established in Portland City Code Section 30.01.120, Code Chapter 33.245, and the related administrative rules.

F. Regulatory agreement means a low-income housing assistance contract recorded between the owner and the Portland Housing Bureau stating the approval and compliance criteria of the MULTE program.

G. Multiple-unit housing has the meaning set forth in ORS 307.603(5).

H. Neighborhood analysis areas means individual and or multiple census tracts within a neighborhood, as identified in administrative rule by the City Administrator.

I. Owner means the individual or entity holding title to the building and is legally bound to the terms and conditions of an approved MULTE, including but not limited to any regulatory agreement and any compliance requirements under this Chapter.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

A. A building that qualifies for a property tax exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612, Portland City Code Section 30.01.120, and the Inclusionary Housing program and MULTE administrative rules.

1. Rental buildings.

- a.** If the building is located within the Central City Plan District, as designated in Chapter 33.510, the property tax exemption applies to all residential units;
- b.** If the building is located outside the Central City Plan District but within an eligible neighborhood analysis area, as identified in administrative rule by the City Administrator, and when restricting the units at 60 percent MFI, the property tax exemption applies to all residential units; or

c. If the building is located outside the Central City Plan District and outside a neighborhood analysis area, as identified in administrative rule by the City Administrator, the tax exemption applies only to the income restricted units.

2. For-sale buildings. The property tax exemption applies only to the income restricted units, as identified in the applicable regulatory agreement.

B. However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council. As of March 1, 2024, the Foregone Revenue Cap is temporarily suspended until December 31, 2029. On January 1, 2030, the rolling Foregone Revenue Cap will be automatically reinstated at the amount approved by Council.

3.103.040 Program Requirements.

In order to be considered for a property tax exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the building meets the following program requirements as further described in the administrative rules:

A. Financial need for the exemption.

1. Rental building. The building would not include low to moderate-income units because it would not be financially feasible without the benefit provided by the property tax exemption.

2. For-sale building. The units receiving the property tax exemption must be sold to buyers meeting the affordability requirements contained in this Chapter.

B. Property eligibility.

1. Buildings must be located within the taxing jurisdictions of the City and Multnomah County.

2. Buildings must conform to the City's zoning and density requirements.

3. Buildings must include 20 or more units.

C. Affordability.

1. For rental buildings, during the compliance period, a minimum of 20 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 10 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income, as approved through Portland City Code Section 30.01.120. The units meeting the affordability requirements must match the unit mix in the building as a whole in terms of number of bedrooms.

2. For buildings containing for-sale units, only those units meeting the following criteria benefit from the property tax exemption:

a. At initial sale, each unit receiving the property tax exemption must sell for no more than the maximum price established annually under Subsection 3.102.040 A.2.:

b. At initial sale and for the duration of the property tax exemption, each unit receiving the property tax exemption must sell to a homebuyer who income qualifies and occupies the unit as established under Subsection 3.102.040 B.; and

c. During the term of the property tax exemption, the unit must be continuously occupied by the homebuyer as established under Subsection 3.102.040 C.

D. Accessibility. At least five percent of the income restricted units in the building must be built to be Type A as defined in the Oregon Structural Specialty Code.

3.103.050 Application Review.

A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.

B. Applications for tax exemption must be submitted to the Portland Housing Bureau and approved prior to issuance of the building's building permit.

C. Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

3.103.060 Application Approval.

A. Applications will be considered based on the Inclusionary Housing Program requirements as per Portland City Code Section 30.01.120, the requirements in this Chapter, and any applicable administrative rules.

B. Portland Housing Bureau will review complete applications, approve or deny complete applications, and deliver a listing of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.

C. If construction of an approved building is not completed or an application for the MULTE program is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Building Compliance.

A. The owner of a rental building approved for the MULTE program will be required to sign a regulatory agreement to be recorded on the title to the property.

B. During the compliance period, the owner or a representative must submit annual documentation of tenant income and rents for the income restricted units in the building to the Portland Housing Bureau.

3.103.080 For-Sale Unit Compliance.

A. Upon approval, Portland Housing Bureau will record a notice on title of the building requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer, as well as for any subsequent homebuyers throughout the duration of the compliance period.

B. For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications will have the tax exemption removed as of the next tax year.

C. For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Termination of the Exemption.

If the Portland Housing Bureau determines that the building fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

3.103.100 Implementation.

The City Administrator may enter into covenants and agreements, establish and charge administrative fees, prepare forms, and adopt, amend, and repeal administrative rules which establish procedures, policies, program requirements, compliance monitoring standards, and penalties for the implementation, administration, and enforcement of a program consistent with the provisions of this Chapter. The City Administrator may make changes to the administrative rules as are necessary to meet current City housing program requirements. The administrative rules will set forth clear and objective criteria to establish minimum standards for affordable units restricted under the MULTE program.

Chapter 3.107 Water Quality Advisory Committee

3.107.010 Created - Appointment.

The Water Quality Advisory Committee is created. The Committee consists of nine members, appointed by the Mayor and confirmed by the Council. Appointments are for terms of three years except that four of the initial appointments are for terms of two years. When a vacancy occurs, the Mayor will appoint and the Council will confirm a member to fill a new three-year term. The Mayor may remove a member from the Committee at any time, subject to approval by the Council. The Mayor will appoint

members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least three members will have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the four appointees serving the initial terms of two years to serve a total maximum of five years. Within the maximum service limit of six years the Council may extend, for a period of less than three years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members serve without compensation from the City.

3.107.020 Duties.

The Committee acts in an advisory capacity to the City Council through the City Administrator as follows:

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

3.107.030 Meetings.

The Committee has the authority to conduct public meetings to gather input; the Committee will provide for notification no less than five days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson will be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson will serve for a period of one year. A vacancy in the Chairperson's position will be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

3.107.050 Rules - Quorum.

The Committee will establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business will be passed upon by the majority of a quorum. Not less than five members will constitute a quorum. Each member will be

entitled to one vote. Provisions will be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee will be staffed by personnel from the Portland Water Bureau and such additional staff or consultants as may be deemed necessary by the City Administrator for the committee to fulfill its responsibilities.

Chapter 3.110 Bureau of Hydroelectric Power

3.110.010 Creation and Function.

The Bureau of Hydroelectric Power is created. The Bureau will be administered by a Bureau Manager and will have such other employees as the City Administrator may provide and for which the Council may appropriate funding. The Bureau will supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It will perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power will report to the Director of the Portland Water Bureau.

3.110.020 Jurisdiction.

The Bureau will supervise the construction and administer the operation of the City-owned hydroelectric power generating facilities.

Chapter 3.115 Mt. Hood Cable Regulatory Commission

3.115.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

A. Agreement means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.

B. Commission means the Mt. Hood Cable Regulatory Commission.

C. Franchise means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.

D. Grantee means any person authorized by a franchise agreement or Portland City Code Chapter 12.15 to construct, operate and maintain a cable communications system within Portland.

3.115.020 Cable Regulatory Commission.

A. The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating jurisdictions. The City Council approved the City's participation in the MHCRC by Ordinance 166168, enacted on January 20, 1993.

B. As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Mayor and confirmed by the Council. Appointments are for staggered terms of three years. When an interim vacancy occurs, the Mayor appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Mayor will appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments will take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members will serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Mayor may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

3.115.030 General Powers & Duties.

A. To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law, pursuant to Portland City Code Chapter 12.15, or under franchises issued to grantees.

B. The Commission will act in an advisory capacity to the City Council through the City Administrator on all other matters pertaining to franchise agreements and provisions of Chapter 12.15 related to constructing, maintaining and operating cable communications systems or proposed franchise agreements for such systems.

C. All powers granted to the Commission by the Agreement will be subject to the provisions of franchises issued to grantees and Chapter 12.15. In the event of any conflict between the Agreement and a grantee franchise or Chapter 12.15, the provisions of the franchise and Chapter 12.15 will prevail.

D. The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

3.115.040 Portland Community Media.

The Mayor will appoint two members of the board of directors of Portland Community Media, for staggered terms of two years. All appointments will be confirmed by the Council. In appointing these directors, consideration will be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission will appoint one non-voting ex-officio director of the Portland Community Media board of directors.

3.115.060 Annexations.

A. In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations will continue after annexation as they existed before annexation until expiration of that franchise, except that:

1. After annexation the City will have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
2. After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area will be to the City rather than to the issuing public body.

B. Nothing in this Section will be deemed to modify the rights or obligations of the City or grantees under other franchises or Chapter 12.15 of this Code.

3.115.070 Cable Television Consumer Protection.

On behalf of the City, the Commission will enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

3.115.080 Definitions.

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

A. Normal business hours means those hours during which most similar businesses in the City are open to serve customers. In all cases, normal business hours must include some evening hours at least one night per week and some weekend hours.

B. Normal operating conditions means those service conditions which are within grantee's control. Conditions which are not within grantee's include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee's control include, but are not limited to, special promotions, pay-per-view

events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee's control.

C. Service interruption means the loss of picture or sound on one or more cable channels.

3.115.090 Local Office and Office Hours.

Grantees will have customer service center and bill payment locations open at least during normal business hours. Grantees will locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used in this Section, **adequately staffed** means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A. To accept payments;
- B. To exchange or accept returned converters or other company equipment;
- C. To respond to inquiries; and
- D. To schedule and conduct service or repair calls.

3.115.100 Telephone Answering Standard.

A. Cable system office hours and telephone availability. Grantees must maintain a local, toll-free or collect call telephone access line which must be available to its subscribers 24 hours a day, seven days a week. Grantees must provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during normal business hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after normal business hours must be responded to by a trained representative on the next business day.

B. Telephone answering time. Under normal operating conditions, telephone answer time by grantee's customer representatives including wait time, may not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time may not exceed 30 seconds. Grantees must meet these standards no less than 90

percent of the time under normal operating conditions, measured on a calendar quarterly basis.

C. Busy phones. Under normal operating conditions, the customer will receive a busy signal less than three percent of the time.

3.115.110 Installations, Disconnections, Outages And Service Calls.

Under normal operating conditions, grantees must meet each of the following standards no less than 95 percent of the time measured on a quarterly basis:

A. Standard installations must be performed within seven business days after an order has been placed.

B. Under normal operating conditions, grantee must begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.

C. The appointment alternatives for installations, service calls and other installation activities must be either a specific time or, at maximum, a four-hour time block during normal business hours. Grantee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

D. Grantee will be deemed to have honored a scheduled appointment under the provisions of this Section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.

E. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.

F. If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer must be contacted. The appointment must be rescheduled, as necessary, at a time which is convenient for the customer.

3.115.120 Notice Requirements.

A. Notifications to subscribers. Grantee must provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:

1. Products and services offered;

2. Prices and options for programming services and conditions of subscription to programming and other services;
3. Installation and service maintenance policies;
4. Instructions on how to use the cable service;
5. Channel positions programming carried on the system; and,
6. Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.

B. Grantee must notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of 30 days in advance of such changes if the change is within the control of the grantee. In addition, grantee must notify subscribers 30 days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any federal agency, state, or franchising authority on the transaction between the operator and the subscriber.

3.115.130 Billing.

A. Bill statements. Grantee bills must be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills must also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven calendar days.

B. Refunds. Grantee must issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or 30 days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.

C. Credits. Grantee must issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

3.115.140 Reporting.

Grantees must file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports will cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports will be due no later than 30 days following the end of a quarter. The reports must include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits).

Chapter 3.116 Waterways Advisory Committee

3.116.010 Created - Organization.

An advisory committee to the Director of the Bureau of Planning and Sustainability, to be known as the Waterways Advisory Committee, is created and consists of no fewer than seven and no more than 11 voting members who serve without compensation. The Mayor appoints the members of the Committee, subject to confirmation by the Council, and the members serve for a term of two years at the pleasure of the Mayor. The president of the Planning Commission or their representative is a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee will establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee will hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

Members of the Waterways Advisory Committee will:

A. Review any zoning Code amendment relating to waterways before it is presented to the Planning Commission, make its findings available to the Planning Commission and City Council.

B. Review and comment to the Planning Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.

C. Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.

D. Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.

E. Make recommendations to the Planning Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.

F. Make recommendations to the Planning Commission and City Council on City policies governing use and development of the City's waterways.

Chapter 3.122 Economic Improvement Districts

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

3.122.020 Definitions.

The following words and phrases when used in this Chapter will have the following meanings, except where the context requires a different meaning:

A. Advisory committee means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.

B. Economic improvement means:

1. The planning or management of development or improvement activities.
2. Landscaping, maintenance and provision of security for public areas.
3. The promotion of commercial activity or public events.
4. The conduct of activities in support of business recruitment and development.
5. The provision of improvements in parking systems or parking enforcement.

6. Any other economic improvement activity that specially benefits property. Economic improvement does not include any services to be provided on private property.

C. Preliminary Economic Improvement Plan means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:

1. A description of economic improvements proposed to be carried out;
2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b, and it may be reduced to fit within the property tax limitation, thus affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

D. Final Economic Improvement Plan means a plan setting out:

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;

4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b, and it may be reduced to fit within the property tax limitation, thus affecting the scope and level of services described; and
7. The cost of City administration of the Economic Improvement District.

E. Lead bureau means the City office, bureau or commission determined by the City Administrator to have the principal interest in a proposed Economic Improvement District.

F. Lot means a lot, block, or parcel or land.

G. Owner means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.

H. Subject properties means the real property within an Economic Improvement District except for exempt property.

I. Exempt property means:

1. Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and nonresidential purposes, the land on which the structure is located will not be exempt property. For purposes of this Subsection, “residential real property” and “residential purposes” will not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but will include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a. The average rent per unit is less than \$2 per day, or
 - b. A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or

c. A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.

2. Property owned or being purchased by religious organizations including:

a. All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and their pews, slips, and furniture. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section will not be exempt property.

b. Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.

c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

J. Task force means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. A representative designated by the City Administrator will be a member of each task force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter does not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts must be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

A. The Council will consider creation of an Economic Improvement District whenever owners of subject properties file with the Revenue Division a petition for the

establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever the Mayor files a report recommending the establishment of a District. A petition or report must contain a Preliminary Economic Improvement Plan. For the purposes of this Chapter, **Revenue Division** means the revenue service and program of the City Administrator under Chapter 3.06.

B. The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:

1. The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
2. It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;
3. Establishment of the Economic Improvement District would be in the public interest;
4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.

C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Subsections 1. through 5. of this Subsection B. and will designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.

D. Upon adoption by the Council of a resolution under Subsection B. of this Section, the Mayor will designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and will refer the matter to the City Administrator.

E. Immediately following the referral under Subsection D. of this Section, the Mayor will appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Mayor will strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Mayor may appoint as the advisory committee an existing association of property owners or tenants or both. The task force will encourage participation of the advisory committee in the plan development and administration process. The advisory committee will appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

A. Immediately following Council adoption of a resolution under Subsection 3.122.050 B., the head of each office, bureau and commission to be represented on the task force will appoint its representative and notify the head of the lead bureau of the appointment.

B. The City Administrator's representative will provide to the task force a report setting out:

1. Whether the petitioners under Subsection 3.122.050 A. are owners of subject property in the proposed District;
2. Delinquencies in taxes or City liens on subject properties in the proposed District;
3. The true cash value of all real property located within the proposed District; and
4. The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.

C. The lead bureau will be responsible for preparing the documents referred to in Subsection D.

D. The task force will prepare for the City Administrator a report recommending whether the owners of property within the proposed Economic Improvement District will be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Subsection 3.122.050 B. If the report recommends formal notification, the report will include a proposed Final Economic Improvement Plan and the report of the City Administrator's representative provided under Subsection B. The report also will include a proposed ordinance that:

1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
2. States whether the assessments will be mandatory or voluntary;
3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
4. Directs notice to be given in the manner provided by Section 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

A. If the City Administrator deems it appropriate, the City Administrator may request that the Mayor, in their sole discretion, file for Council consideration the report and ordinance prepared under Subsection 3.122.060 D.

B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the

ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council will adopt the ordinance including any modifications.

3.122.080 Notice to Owners.

A. Following adoption of the ordinance under Subsection 3.122.070 B., the Revenue Division will mail notice to the property owners within the proposed Economic Improvement District which contains the following information:

1. The Council's intent to form an Economic Improvement District.
2. Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment will be deemed to have made a specific request to be assessed.
3. The formula for determining the amount of the assessment.
4. The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Revenue Division and where the file can be viewed. It should state that:
 - a. In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b. In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
5. The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
6. The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
7. The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
8. In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

A. Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Revenue Division a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.

B. The Revenue Division, in its discretion, may examine a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The examination may include review of such evidence as the Revenue Division deems appropriate and may include a viewing of the property. In the event the Revenue Division determines that the property for which an exemption is claimed is not exempt, the Revenue Division will give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice must give the owner 10 days' time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively will be presumed not to be exempt property. In the event the owner submits written evidence, the Revenue Division will review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Revenue Division's decision. The Revenue Division's approval or disapproval following review of the evidence will be final.

3.122.100 Hearing and Resolution Establishing District.

A. The Council will hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing will be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment will be entitled to be heard.

B. If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

A. Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Revenue Division will prepare the proposed assessment for each lot in the District that is a subject property and will file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment will be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

B. Following preparation of the proposed assessments, the Revenue Division will mail to the owner of each lot to be assessed a notice containing the following information:

- 1.** The description of the property being assessed.
- 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
- 3.** The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
- 4.** The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
- 5.** The time, date and place of the hearing and that the following forms of objection may be filed:
 - a.** A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing will be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
 - b.** An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c.** An objection to the formation of the District.
- 6.** A written objection may be filed with the Revenue Division prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
- 7.** The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
- 8.** A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
- 9.** Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
- 10.** The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

A. The Council will hold a public hearing on the proposed assessment ordinance. The public hearing will be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, will be entitled to be heard.

B. Written objections will be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Revenue Division prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner will be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.

C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District will not be established and assessments will not be made.

D. At the hearing, the Council will consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council must exclude from assessment property which the owner has requested be omitted from assessment. The request will be made in writing and submitted prior to the close of the hearing.

3.122.130 Amendments to Ordinance.

A. At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 will be repeated if the amendment:

1. Changes the economic improvements to be carried out except this provision will not apply to a voluntary assessment;
2. Increases the likely assessment upon one or more properties; or
3. Enlarges the Economic Improvement District;

B. At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 must be repeated. The procedures required by Section 3.122.080 through 3.122.120 must be repeated if the amendment:

1. Changes the economic improvements to be carried out except this provision will not apply to a voluntary assessment; or

2. Enlarges the Economic Improvement District.

3.122.140 Assessments.

A. The Council will not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.

B. Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council will apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.

C. The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council will not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council will enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance will be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money must be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Subsection 3.122.050 D. for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District must include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan must be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District will be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day-to-day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force will prepare for Council consideration contracts for the work. In each case, the contract for work must include not less than the following:

- A.** A description of the work to be done;
- B.** A description of the method of compensation for the work;
- C.** A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D.** A description of any liability to be born and insurance to be provided by the contractor; and
- E.** A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues must be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, must be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided in this Chapter.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on

behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the Council, by ordinance, must provide for either:

A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;

B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or

C. Use of part of the excess funds as provided in Subsection B. and return of the balance of the excess funds as provided in Subsection A.

3.122.230 Entry and Collection of Assessments.

A. On adoption of an assessment ordinance under Subsection 3.122.120 D., the Revenue Division will enter each assessment in the docket of City liens. All such assessments will be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.

B. The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

Chapter 3.123 Portland Utility Board

3.123.010 Created - Purpose.

The Portland Utility Board is created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the people of Portland, on the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise the Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

3.123.020 Scope.

A. The Portland Water Bureau and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process. The Board will

actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor bureau and City Council responses to and implementation of audits, in consultation with the Mayor. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

B. The Board will periodically consult the bureaus and the City Administrator on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the City Administrator, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.

C. Participate in the rate design process: The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, watershed health, and stormwater. The Board will report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.

D. When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.

E. Relationship to other interested parties: The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations will be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

The Board will have 11 permanent members. Board members will be appointed by the Mayor and confirmed by the Council. Any Council member may submit nominations to the Mayor. The Mayor will appoint the two Co-Chairs of the Board. Six members will constitute a quorum of the Board.

3.123.040 Appointments - Composition.

A. General criteria. All members must reside in or work predominantly in the city of Portland and have an interest in water, sewer, stormwater, and watershed health issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments,

the Mayor and Council will strive to have a Board that reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.

B. Restrictions. No individual with any direct financial interest in either City utility other than as a rate-paying customer or as an employee of the utility bureaus may serve on the Board.

C. The Mayor will appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members will be one represented and two nonrepresented utility bureau employees appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members will be evenly distributed between the utility bureaus. The term of ex officio members will be for one year. Ex officio members may be re-appointed up to three times.

3.123.050 Terms.

A. Board members will be appointed to serve for a term of three years. The terms of each member will run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.

B. The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until their replacement is appointed.

C. If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12-month period without having notified the Co-Chairs in advance of such absence, such member will be deemed to have resigned from the Board. The member's position will then be vacant and subject to appointment by the Mayor.

D. The Mayor may remove any member of the Board at the Mayor's discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.060 Standing Committees.

A. The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.

B. The Board may designate more specific roles and responsibilities for any standing committee in the Board bylaws.

3.123.070 Staffing.

A. The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staff should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.

B. City Administrator liaisons to the two utility bureaus will serve as a resource to the Board and attend its meetings.

3.123.080 Meeting Schedule.

The Board will meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Co-Chairs. The Board Co-Chairs, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the City Administrator.

3.123.090 Bylaws.

A. The Board will adopt bylaws to govern its procedures within the purposes of this Chapter that will not conflict with any portion of this Chapter and that are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These bylaws will include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters. As an initial action, the Board will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.

B. The bylaws will specify procedures for public testimony, including opportunities for public comments at each Board meeting.

3.123.100 Annual Report and Work Session.

A. Annually, the Board will prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board will submit the annual report within the first three months following the beginning of each fiscal year for the utility bureaus. The annual report will include, but need not be limited to, a summary of

issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.

B. The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

Chapter 3.124 Portland Bureau of Emergency Management

3.124.010 Definitions.

The following definitions apply to Chapters 3.124 through 3.126:

A. Comprehensive Emergency Management Plan (CEMP) means a written document that describes the City's overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.

B. Director means the director of the Portland Bureau of Emergency Management.

C. Emergency means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, harm to the environment, human suffering or economic loss, including but not limited to fire, wildfire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, cybersecurity incidents, acts of terrorism and war.

D. Emergency Coordination Center (ECC) means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor or Mayor's delegate or successor under Chapter 15.08 of the Code.

E. Emergency management means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.

F. Emergency notices means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.

G. Emergency plan means an ongoing plan for responding to a wide variety of potential hazards.

H. Incident means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.

I. National Incident Management System (NIMS) means the federal government's standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

J. Continuity of Operations Plan (COOP) means a plan that describes how a bureau will continue to perform its essential functions following an event that disrupts normal operations.

3.124.020 Portland Bureau of Emergency Management.

There is established by the City Council the Portland Bureau of Emergency Management (PBEM).

3.124.030 Purpose.

The purpose of PBEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

The Portland Bureau of Emergency Management will consist of the Director and such other positions as the Council may provide. The Director will be immediately responsible to the City Administrator.

3.124.050 Director's Powers and Duties.

Subject to the approval of the City Administrator, the Director of the Portland Bureau of Emergency Management's duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor and City Administrator concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;

- E. Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F. Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau will immediately produce them upon the request of the Director;
- G. Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H. Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I. Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J. Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

Subject to the approval of the City Administrator:

- A. The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B. The Director may delegate to staff members any of the Director's duties.
- C. In the event of an emergency, the line of succession for the PBEM is: the succession plan described in the Bureau's COOP plan.
- D. When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

3.124.070 Neighborhood Emergency Team Program.

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams.

- A. As part of the Neighborhood Emergency Team Program, the Director, subject to the approval of the City Administrator, is authorized to:

1. Create Neighborhood Emergency Teams (NET) and define the qualifications for its membership;
2. Develop written processes and procedures governing the conduct of members;
3. Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
4. Conduct or approve of ongoing training for NET members;
5. Designate certain NET members as team leaders for the purpose of supervision;
6. Dismiss or remove NET members.

B. When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders.

A. All NET members will be immediately responsible to a team leader and thereafter the Director. Subject to the approval of the City Administrator, the Director may dismiss or remove a NET Leader.

B. NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.

C. NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.

D. NET leaders will attend regularly scheduled meetings for the purposes of training and communicating with NET members.

E. NET leaders will evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

Chapter 3.125 Disaster Policy Council

3.125.010 Disaster Policy Council.

The Disaster Policy Council (DPC) is created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

3.125.020 Duties.

The DPC's duties include, but are not limited to, the following:

- A.** During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B.** Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C.** Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC and City Administrator, may compel bureaus to create and complete plans and updates;
- D.** Convene meetings no less often than twice a year and whenever requested by the Mayor.
- E.** Keep records of meetings and decisions.

3.125.030 Membership.

The DPC will consist of the following members:

- A.** The Mayor's Chief of Staff, who will be Chair;
- B.** City Administrator, who will be Vice Chair;
- C.** Deputy City Administrators;
- D.** Assistant City Administrator;
- E.** City Attorney;
- F.** Director, Portland Bureau of Emergency Management;
- G.** Chief of Portland Fire & Rescue;
- H.** Chief of Portland Police Bureau;
- I.** Director, Bureau of Emergency Communications;
- J.** Administrator, Portland Water Bureau;
- K.** Director, Bureau of Transportation;
- L.** Director, Human Resources;
- M.** Director, Bureau of Environmental Services;
- N.** Director, Portland Parks and Recreation;

O. Director, Portland Permitting & Development;

P. Director, Joint Office of Homeless Services;

Q. Director, Bureau of Revenue and Financial Services; and

R. Director, Bureau of Technology Services.

S. If the Mayor is unavailable to Chair the DPC, the duties will be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A. through R. above who is able and available.

3.125.040 Procedures.

When the DPC is required to approve plans under Subsection 3.125.020 C., the decision-making process will be by consensus. The consensus will be determined by the Chair.

3.125.050 Staff Support to Disaster Policy Council.

The Portland Bureau of Emergency Management will provide staff support to the DPC, including recording and communicating its decisions.

Chapter 3.126 Emergency Management Steering Committee

3.126.010 Emergency Management Steering Committee.

The Emergency Management Steering Committee (EMSC) is created for the purpose of assisting the Portland Bureau of Emergency Management in developing emergency management policies and procedures for incidents requiring significant inter-bureau coordination.

3.126.020 Duties.

The EMSC's duties include, but are not limited to, the following:

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual bureau compliance with emergency plans;

- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under Section 3.125.020.

3.126.030 Membership.

The EMSC will consist of qualified staff from the following bureaus:

- A. Water Bureau;
- B. Portland Fire & Rescue;
- C. Portland Police Bureau;
- D. Bureau of Environmental Services;
- E. Portland Parks & Recreation;
- F. Bureau of Transportation;
- G. Bureau of Emergency Communications;
- H. Portland Bureau of Emergency Management;
- I. Portland Permitting & Development;
- J. Bureau of Technology Services;
- K. Office of Community & Civic Life;
- L. Bureau of Human Resources;
- M. Joint Office of Homeless Services; and
- N. Bureau of Revenue and Financial Services.

3.126.040 Staff Support to the Emergency Management Steering Committee.

The Portland Bureau of Emergency Management will provide staff support to the EMSC.

Chapter 3.127 Bureau of Portland Fire and Police Disability and Retirement

3.127.010 Bureau of Portland Fire and Police Disability and Retirement.

In conjunction with Chapter 5 of the Charter of the City, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

3.127.020 Purpose.

The purpose of this office is to administer Chapter 5 of the Charter of the City. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund (FPDR) and in accordance with the provisions of Chapter 5 of the Charter of the City.

3.127.030 Organization.

The Bureau of Portland Fire and Police Disability and Retirement will be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board will have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

3.127.040 Administrator's Powers and Duties.

The Administrator of the Fire and Police Disability and Retirement Fund will:

- A.** Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Section 5-202;
- B.** Be responsible for administering the terms of the FPDR Plan;
- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.127.050 Staff and Delegation.

The Administrator may delegate to their staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

Chapter 3.128 Office of Equity and Human Rights

3.128.010 Creation and Organization.

There is established the Office of Equity and Human Rights. The Office will consist of such positions as the City Administrator may provide. The Office will report to the Equity Officer.

3.128.020 Purpose.

The purpose of the Office of Equity and Human Rights is to:

- A.** Promote equity and reduce disparities within City government;
- B.** Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C.** Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D.** Support human rights and opportunities for everyone to achieve their full potential; and
- E.** Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

3.128.030 Duties of the Office.

The duties of the Office include, but are not limited to:

- A.** Implementing the policy and executive directives of the Council and the Mayor, and proposing policies and practices to achieve the purpose of the Office, and adopt procedures and forms to assist in implementing City policies;
- B.** Developing an annual work plan to organize and prioritize the work of the Office;
- C.** Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- D.** Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by the Council;

E. Providing reports to the Council and the community annually and as requested.

3.128.040 Administrative Rulemaking.

The City Administrator may adopt administrative rules as authorized by Charter.

Chapter 3.129 Human Rights Commission

3.129.010 Staffing and Membership.

There is established in the City a Human Rights Commission. The Commission will be staffed by the Office of Equity and Human Rights. The Commission will consist of 11 to 15 members. All members will serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three-year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Equity Officer – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process will be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members will be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City. Members are encouraged to establish constructive relationships with each member of Council, the Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

3.129.020 Mission.

The Human Rights Commission will work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City. In doing so, the Human Rights Commission will be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission must report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may be established) on the progress of the Commission and any recommendations to the Council for further action.

3.129.030 Jurisdiction

The jurisdiction of the Commission will include all practices and incidents occurring in the City which affect people who live, work, study, worship, travel or play in the City. The Commission will have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but will not have civil rights enforcement authority.

Chapter 3.130 Administrative Appeals

3.130.010 Definitions.

For the purpose of this Chapter:

A. Administrative act means a final action, decision, determination, or order of the City Administrator, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order that is subject to the review procedures set forth in Title 33 of the Code.

B. Administrative appeal means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.

C. Appellant includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, appellant does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.

D. Rule means an administrative rule or bureau policy, as each term is defined in Portland City Code Section 1.07.020.

E. Timely means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, timely means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:

1. Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or
2. 10 business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

3.130.020 Timely and Adequate Notification of Right to Appeal Required.

A. Timely and adequate notification required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to the appellant in accordance with Subsection B. below.

B. Form and content of the notice. An adequate notice must:

1. Be in writing;
2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
3. Explain any right to request an administrative appeal, including:
 - a. citation of the applicable Code provision or rule providing the right to appeal;
 - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
 - c. the method for requesting an administrative appeal, including a City address and phone number;
 - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
 - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.

C. The City Administrator may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided.

Chapter 3.131 New Portlanders Policy Commission

- 3.131.010 Mission.
- 3.131.020 Membership and Staffing.
- 3.131.030 Purpose.
- 3.131.040 Organization and Meetings.

3.131.010 Mission.

There is established in the City a New Portlanders Policy Commission. The New Portlanders Policy Commission will advise the City on policies and practices to integrate immigrant and refugee communities' voices and needs into the provision of City services, City decision-making and civic engagement in Portland, and to seek constructive relationships with each member of Council and the Auditor.

3.131.020 Membership and Staffing.

The Commission will consist of 25 voting members. All members will serve without compensation from the City. Appointments to serve on the Commission are for staggered terms of three years. No member may serve more than two three-year terms. The City Administrator of the New Portlanders Policy Commission recommends, the

Mayor nominates, and the Council approves members to the Commission. Members will be appointed to provide representation from a reasonably broad spectrum of immigrant and refugee communities, striving to include a range of areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification.

Members must live, work, worship or be enrolled in school within the City and/or volunteer for a nonprofit within the City. If any member of the Commission is absent more than three regularly scheduled meetings of the Commission during any 12-month period, without having notified the Co-Chairs in advance of such absence, such member will be deemed to have resigned from the Commission. The member's position will become vacant. The Mayor may remove a member from the Commission at any time, with the recommendation of the City Administrator.

Staffing for the Commission will be provided, subject to the annual City budget process.

3.131.030 Purpose.

The purpose of the New Portlanders Policy Commission is to:

- A.** Review, develop, evaluate and refine policy and practice recommendations for improving immigrant and refugee community integration in all City activities.
- B.** Facilitate constructive working partnerships between City leaders and newcomer community leadership.
- C.** Provide a forum for setting integration goals between bureaus and community organizations.
- D.** Provide technical support and policy advice to Council offices and bureaus.
- E.** Serve as a consultant and advocate to local, state and federal agencies on policies impacting immigrant and refugee communities, as capacity allows.
- F.** Provide a report to Council on policy and practice outcomes on an annual basis.
- G.** Engage in the City's annual budget process.

3.131.040 Organization and Meetings.

The Commission will adopt bylaws and rules of procedure, and specify procedures for public testimony. The Commission will elect each year a Chair or Co-Chairs and such other officers as the Commission may from time to time establish. The Commission will meet at least quarterly, and may meet more often. The Commission Chair(s), in consultation with the City Administrator staffing the New Portlanders program, or their designee, will set the agenda for Commission meetings.

Chapter 3.132 Community Involvement Committee for Legislative Projects Under the Comprehensive Plan

3.132.010 Purpose.

The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects that implement Portland's Comprehensive Plan. The Committee will:

- A.** Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B.** Approve and update the Community Engagement Manual over time to reflect emerging best practices.

3.132.020 Membership, Meetings, and Organization.

The Committee will consist of at least five and no more than 12 members. The appointed membership will be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the City and/or volunteer for a nonprofit within the City.

A. Appointments and terms. The Community Involvement Committee members are appointed by the Mayor and confirmed by the Council. Appointment to the Community Involvement Committee is for a three-year term, renewable for a second term. If a position is vacated during a term, the Mayor may appoint a member to serve for the unexpired term. Members appointed to the Community Involvement Committee serve at the pleasure of the Mayor. Members of the Committee may be dismissed at the discretion of the Mayor.

B. Meetings, officers, and subcommittees.

- 1.** The Community Involvement Committee will meet at least five times yearly and as otherwise necessary to conduct its business. Meetings will be conducted in accordance with bylaws adopted by the Director of the Bureau of Planning and Sustainability.
- 2.** The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.

C. Attendance. Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Mayor may replace any member who

accrues unexcused absences from two or more consecutive meetings or more than 50 percent of the meetings in any year.

D. Compensation. Community Involvement Committee members serve without compensation.

Chapter 3.134 Office of the Portland Children's Levy

3.134.010 Creation, Organization, and Purpose.

3.134.020 Director's Powers and Duties.

3.134.030 Duration and Dissolution.

(Chapter added by Ordinance 189192, effective November 9, 2018.)

3.134.010 Creation, Organization, and Purpose.

There is established the Office of the Portland Children's Levy. The Office of the Portland Children's Levy consists of the Director and such other employees as the City Administrator may provide. The Director will report to the City Administrator or designee. The purpose of the Office of the Portland Children's Levy is to administer the Children's Investment Fund in accordance with the current measure enacted by voters of the City.

3.134.020 Director's Powers and Duties.

The duties of the Director of the Office of the Portland Children's Levy include, but are not limited to:

- A.** Overall administration of the Office and supervision of its staff;
- B.** Implementing the policy directives of the City Council, administrative directives of the Mayor and City Administrator, and the tax levy approved by voters to fund the Children's Investment Fund;
- C.** Proposing policies and practices to achieve the purpose of the Office, and adopt procedures and forms to assist in implementing City policies.

3.134.030 Duration and Dissolution.

The Office of the Portland Children's Levy will remain in existence so long as the voters renew the Children's Investment Fund and associated tax levy. In the event the tax levy is not renewed by voters, the Office may exist thereafter only for such reasonable time as is necessary for the orderly closing of affairs of the Children's Investment Fund.

Chapter 3.135 Independent District Commission

3.135.010 Powers and Duties.

The Independent District Commission has the powers and duties set forth in City Charter Section 3-109.

3.135.020 Administration.

A. For procedures not set forth in City Charter Sections 3-108 through 3-110, the Independent District Commission may establish its own bylaws and procedures.

B. Commissioners receive a stipend every calendar year. The City may also reimburse a Commissioner's reasonable expenses.

3.135.030 Staffing.

The City Administrator staffs the Independent District Commission and may contract with experts as appropriate. Staff assigned by the City Administrator provide notice of Commission meetings, assist with the development and management of public hearings, and help draft key documents.