



A City Government For Portland's Future

**Charter Review Commission
Report to City Council**

January 18, 2007

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City of Portland Charter Review Commission

January 18, 2007

Mayor Tom Potter
Commissioner Sam Adams
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Erik Sten
City Auditor Gary Blackmer

Dear Mayor, City Commissioners and City Auditor:

On behalf of the City's Charter Review Commission (the "Commission"), I am pleased to present this written report to City Council. The report describes the work of the Commission and summarizes its final recommendations in four Charter-related areas:

- Portland's form of government (Chapters 1 and 2 of the Charter)
- Portland Development Commission and its relationship to the City (Chapter 15 of the Charter)
- Portland's civil service system (Chapter 4 of the Charter)
- Implementation of periodic charter review (Chapter 13 of the Charter)

The report also contains draft Charter language to implement our set of recommendations, brief biographies of Commission members, and a list of other Charter-related topics that we urge the City Council to address in the near future.

The Commission was established and convened by the City Council in November 2005 as a diverse assembly of Portland residents from all corners of the City and representing a wide array of ages, ethnicities, experiences and backgrounds. We have at all times attempted to carry out our charge thoughtfully, impartially and independently, and the report is the result of careful and thorough analysis, research and deliberation. In preparing these recommendations, we remained mindful of Portland's great traditions of being a progressive, forward-looking city; and our aim has been to assemble a set of recommendations that we believe will enable Portland to better meet and overcome the many challenges it will face in the decades to come and in light of rapidly-changing demographics, population growth, ageing infrastructure, unpredictable fiscal resources, etc.

We are informed that ours has been the first comprehensive review of the City's Charter since 1922. We thank you for creating our citizen-led Commission to

carry out that historic task. While there remain many other aspects of the Charter that deserve attention and possible modernization or amendment, we believe that our recommendations represent the first and very important step in the process of updating the Charter. We respectfully request that you refer these majority-approved recommendations from the Commission to the ballot and enable the residents of Portland to publicly debate, consider and vote on the issues presented.

Thank you for providing us this opportunity to serve our City.

Sincerely,

A handwritten signature in black ink that reads "David Wang". The signature is written in a cursive, flowing style.

David Wang
Chair, Charter Review Commission

INTRODUCTION

In November 2005, the City Council established a diverse citizens' commission to review certain aspects of Portland's City Charter. Originally comprised of 26 members from all corners of the City and representing a wide range of ages, ethnicities, experiences and backgrounds, the Charter Review Commission (the "Commission") is perhaps one of the most diverse, representative citizens' commissions ever convened by the City. This report contains a list of the Commission's members, as well as a list of honorary advisors whose counsel was made available to the Commission.

Charge

The Commission was asked to provide recommendations in four Charter-related areas: (1) Portland's form of government; (2) the Portland Development Commission and its relationship to the City; (3) Portland's Civil Service system; and (4) the implementation of periodic charter review. Commission members have expended thousands of volunteer hours in the last 14 months to fulfill this charge.

Process

To support its work, the Commission collected information from a variety of sources, both written and oral. Among other things, the Commission collected, reviewed and considered the following:

- Testimony from current and former elected officials of Portland and other municipalities, City employees, community organizations, neighborhood associations and other stakeholder groups and individuals
- Testimony of outside experts in government studies and public administration, and outside legal experts
- Academic and professional literature
- Published empirical data relating to forms of government
- Model charters and studies, and surveys of charters of comparably-sized cities

A comprehensive list of presenters and materials is included in this report.

Three fundamental concepts permeate the Commission's work and recommendations. These concepts are:

1. *Planning for our collective future.* The Commission recognizes that Portland is a progressive city that can boast many accomplishments attributable not only to the motivation and vision of its elected officials and community leaders, but also because a tradition of forward-thinking and smart planning is engrained in the culture of the City. In formulating its recommendations, the Commission attempted to remain faithful to this tradition. Portland faces a multitude of significant challenges in the coming decades, driven by a variety of factors including rapidly-changing demographics, population growth, an ageing infrastructure and unpredictable fiscal resources. After much research, analysis and deliberation, the Commission

believes that its recommendations, if implemented, would better prepare Portland not only to meet, but also to successfully overcome, these future challenges. The recommended changes are not fail-safe – every form of government, every intra-governmental relationship and every structural charter change has strengths and weaknesses, rewards and risks, and opportunities and consequences. The Commission merely proposes changes intended to provide Portland’s elected officials and residents with the best tools available to maximize the probability of our collective success as a City in the future.

2. *Six core values.* Early in the process, the Commission identified six core values that it believes are critical to any well-functioning city government generally and to Portland in particular. These six core values are:

- **Representation and Inclusiveness**
 - City government should represent the diverse interests and needs of Portlanders
 - Elected officials should understand and represent their constituents
 - Segments of the community should have a voice in decisions that affect them
 - Citizens should be welcomed in ways that strengthen bonds between the community and elected officials
- **Responsiveness and Accessibility**
 - City government should be responsive to the needs of its constituents
 - There should be multiple access points for all residents to access the City government that serves them
 - City government should treat residents fairly and equitably
- **Leadership**
 - Elected officials should provide strong leadership on issues of public concern
 - Elected officials should drive strategic direction and establish policy
 - Elected officials should set and be held to the highest standards for public service
 - Elected officials should be held accountable for their decisions and actions
- **Effectiveness**
 - City government should deliver superior levels of service to the public
 - City employees should be skilled at producing desired results
 - Elected officials should clearly articulate goals and policies, and City government should achieve those goals and abide by those policies in a timely manner
- **Efficiency**
 - City government should deliver services in an efficient, cost-effective manner
 - City government should carefully manage taxpayer dollars
- **Accountability and Integrity**
 - A government structure should provide clear lines of accountability
 - Elected officials should act with integrity on behalf of their constituents
 - City employees should act with integrity in executing policies and strategic directions set by elected officials

In examining and evaluating the many alternatives available in each of the Charter sections considered, the Commission sought to select solutions that promote these core values.

3. *Consideration by voters.* Civic engagement is a hallmark of Portland city government. It is emblematic that Council established a diverse citizens' commission to consider matters and proffer recommendations that go to the heart of our City's government structure. The Commission has endeavored to carry out its charge thoughtfully, impartially and independently, and it believes that its recommendations should be referred to the ballot to permit the voters of the City an opportunity to fully scrutinize, evaluate, debate and vote on each of the Commission's recommendations. The larger community deserves an opportunity to voice its opinions.

A summary of the Commission's final recommendations follows. Each recommendation received the support of a clear majority of Commission members. Proposed revised Charter language to implement the recommendations is included in this report.

SUMMARY OF RECOMMENDATIONS OF THE CHARTER REVIEW COMMISSION

FORM OF GOVERNMENT

Recommendation: In the recommended form, the role of the City’s professional Chief Administrative Officer (CAO) is expanded to oversee and coordinate day-to-day management of the City’s bureaus, operations and finances. The CAO is appointed by the Mayor, subject to confirmation by Council, and then is directly accountable to the Mayor. The Mayor acts as the chief elected executive official of the City with ultimate authority and political accountability for City operations. The Council focuses on legislative oversight of City operations and management, policy development, long-term strategic planning and constituent representation. It continues to play a quasi-judicial role in certain areas, primarily land use. Key elements include:

Chief Administrative Officer

- CAO is appointed by the Mayor, subject to confirmation by Council
- CAO reports to and is directly accountable to the Mayor; may be removed by the Mayor
- CAO has professional management qualifications and experience
- CAO directs and coordinates day-to-day operations and administration of all bureaus, including hiring and firing of subordinates with the approval of the Mayor, subject to Civil Service and other applicable rules
- CAO recommends qualified nominees to fill bureau director vacancies

Mayor

- Mayor exercises executive and administrative authority over all City bureaus, and bears ultimate political accountability for the City's operations
- Mayor is a voting member of Council
- Mayor does not have a separate veto power
- Mayor is required to appoint a qualified CAO, subject to confirmation by Council, but Mayor has sole authority to remove the CAO
- Mayor appoints bureau directors, subject to confirmation by Council

City Council

- Council is the elected representative of the City’s residents and, as such, exercises governing authority for the City and represents the public interest in government affairs and legislation
- Council exercises comprehensive legislative authority through ordinances and resolutions
- Council conducts oversight over the management of City affairs by the Mayor and CAO to ensure efficient, effective and equitable delivery of City services (for example, by implementation of oversight committees on which citizens may serve)
- Council develops and articulates the City’s policies, goals and long-term strategic plan
- Council approves and adopts the City’s budget

- Council confirms appointments of CAO, bureau directors and Council-created boards and commissions
- Council appoints and removes the City Attorney
- Council provides constituent services and avenues for constituents to voice opinions and concerns

Merits: The Commission's recommendation regarding the form of government offers the following advantages to Portland in the future:

- Enhances coordination between City bureaus (i.e., reduces "silo effect"), and creates a more efficient form of administration by aligning the work of all City bureaus under the CAO and the Mayor
- Creates clear lines of administrative and political accountability for operation of the bureaus through the CAO to the Mayor
- Installs professional management over the day-to-day administration of bureaus, while retaining and clarifying political accountability
- Alignment of bureaus encourages consistent delivery of City services
- Encourages Council to adopt a comprehensive view of City administration through its role in budget, oversight and confirmation
- Encourages Council oversight over the operations of all City bureaus and the delivery of City services, providing robust checks and balances
- Encourages communication between the executive and the legislative bodies and facilitates information flow
- Provides Council with adequate time to connect with constituents and serve as access points to government for all residents of the City
- Promotes transparency by providing citizens an opportunity to participate directly in oversight of government operations

Questions and Answers: Some common questions the Commission encountered and considered regarding its form of government recommendations include:

Is the Commission recommending a "strong mayor" form of government?

Not entirely. While the Mayor's role in administering City operations in the recommended form certainly is "stronger" than that in Portland's existing form of government, the Mayor in the recommended form lacks certain extraordinary powers typical of a "strong mayor," such as a veto power or the sole authority to make appointments. In the recommended form: (a) Council sets overall strategic direction and adopts policies that govern management and administration; (b) senior management positions, including the CAO and bureau directors, all are subject to Council confirmation; (c) Council has oversight authority in the form of committees, hearings, and investigations; (d) Council exercises ultimate budgetary authority; and (e) the Mayor has no separate or special veto authority. Furthermore, by requiring the Mayor to serve on Council, the recommended form makes the Mayor regularly and publicly accessible to other Council members to account for and report about the operations of the City. The structure is designed to provide the checks and balances necessary to avoid installation of what some have termed an "imperial mayor."

Is the Commission recommending a "city manager" form of government?

No. In a "city manager" form of government, the City Council together hires and fires a professional city manager to manage the city's operations. Such a structure over-politicizes the city manager's role by causing the city manager to constantly seek the support of a majority. In the recommended form, after the CAO is appointed by the Mayor with the confirmation of Council, the CAO reports only to the Mayor. A direct line of accountability is drawn to the Mayor, who would be the elected official held politically accountable by residents for the City's operations.

What will Council members do if they are not responsible for the administration of bureaus?

In Portland's existing form of government, each City Commissioner is responsible for the administration of one or more of the City's bureaus. The Charter Review Commission received testimony that these administrative responsibilities sometimes adversely affect City Commissioners' ability to spend adequate time with their constituents on issues unrelated to their own bureaus. In the recommended form, Council members assume a much larger role in constituent communication, overall strategic planning and policy coordination.

Does Portland currently have a CAO?

Yes. Portland currently has a Chief Administrative Officer; however, the CAO currently oversees day-to-day operations for nine administrative functions: Facilities, Financial Services, Fleet, Human Resources, Printing and Distribution, Purchases, Revenue, Risk Management and Technology Services. The Commission recommends that the CAO's role be expanded to oversee all City bureaus, and that the CAO report to the Mayor.

Can the CAO handle the workload associated with directing and coordinating the day-to-day operations and administration for all the City's offices and bureaus?

The Commission believes that a qualified professional manager will be able to perform the enumerated duties. From published literature and empirical studies, the Commission learned that many cities of comparable size to, and larger than, Portland use chief administrative officers or professional city managers to direct and coordinate these operations.

Portland often is recognized as a model for other cities, so why change?

Portland is a city that can boast many successes, but faces many significant challenges in the future relating to, for example, rapidly-changing demographics, population growth, aging infrastructure and unpredictable fiscal resources. While the "commission" form of government has worked for Portland in the past, it is unclear whether Portland's successes have been because of the "commission" form of government or in spite of it, and it also was unclear whether the "commission" form of government is best suited for Portland in the future. The Commission embarked on an independent and objective evaluation of different forms of government in search

of a form that would: (a) best enable Portland to meet and overcome the future challenges; and (b) advance the six core values identified by the Commission.

Will City government be less responsive if there isn't a Commissioner in charge of each bureau?

In Portland's existing form of government, the work of City bureaus is not necessarily coordinated and city residents may experience difficulty navigating cross-bureau issues. Residents may also find that the level of responsiveness among bureaus varies. Under the recommended form of government, the Mayor and CAO are responsible for ensuring that City services are delivered to residents in a responsive, professional, coordinated, consistent and equitable basis. City residents failing to get satisfactory response from the bureaus, the CAO or the Mayor could still approach individual Council members for assistance. Through its oversight capacity, Council members provide access points for residents to lodge complaints, praise or recommendations for improvement.

PORTLAND DEVELOPMENT COMMISSION

Recommendation: Based upon an analysis of existing federal and state laws, the Commission recommends that the Portland Development Commission (PDC) remain a quasi-independent entity, but that Council be provided additional oversight authority. The recommendation also clarifies the respective roles and responsibilities of the PDC and Council in the areas of urban renewal, economic development and housing. Key elements include:

- Clarifies that PDC is to implement the City's vision and goals as articulated by Council, and directs PDC to implement such vision and goals
- Increases Council oversight through integration of the PDC and City budget processes, and requires alignment of the PDC budget with Council's articulated vision and goals
- Requires PDC to "report back" to Council at the end of each fiscal year
- Increases role of City Auditor with regard to financial and performance audits of PDC

The above recommendation is intended to strengthen Council's existing oversight powers, which include: (a) approval of creation of urban renewal areas (URAs); (b) approval of major amendments to any URA; (c) approval of bond issuances to fund URA projects; (d) approval of tax increment financing for any URA; (e) approval of use of General Fund revenues for economic development uses outside of URAs.

Merits: The Commission's recommendation regarding the PDC offers the following advantages to Portland in the future:

- Clarifies the mission of PDC and its relationship to the City, thereby promoting effective implementation of policies articulated by the City's elected representatives
- Increases accountability by giving Council an opportunity to review and comment on PDC's budget and to ensure that it falls in line with Council's articulated vision and goals
- Facilitates communication between Council and PDC and encourages clear communication by both as to vision, goals, objectives, intentions, plans and projects
- Enhances checks and balances by providing greater legislative and City Auditor oversight over PDC and facilitating information flow

Questions and Answers: Some common questions the Commission encountered and considered regarding its PDC recommendations include:

Why has the Commission not given Council complete authority over the PDC budget?

The Commission makes its recommendations based upon the state of existing law. After consultation with outside legal experts, the Commission determined that current state law prevents Council from assuming complete authority over the PDC budget. A change to state law might permit Council to exert such authority; however, this report does not contain recommendations in the event of that change.

Do the Commission's recommendations simply maintain the status quo in terms of PDC and its relationship to the City?

No. The Commission's recommended amendments not only clarify the roles and responsibilities of PDC and Council, but also provide the means for Council and other City officials to exercise greater oversight authority over PDC, its budget and its projects.

How, if at all, do the Commission's recommendations promote responsiveness of the PDC to the needs and opinions of the community?

In its proposed Charter language, the Commission notes that the PDC is responsible for implementing the City's vision and goals relating to urban renewal, economic development and affordable housing. However, the language also imposes an overarching duty upon PDC to advance social equity in carrying out its three primary responsibilities. Specifically, PDC is directed to "involve the constituencies of the City to create, maintain and promote a diverse, sustainable community in which economic prosperity, quality housing and employment opportunities are made available to all residents" (emphasis added).

CIVIL SERVICE

Recommendation: Streamline and modernize Civil Service provisions to eliminate outdated, confusing or conflicting language, while maintaining protections for employees. Key elements of the recommendation include:

- Maintains Civil Service Board and strengthens its reporting requirements
- Incorporates process and language from other jurisdictions and model charters
- Deletes or updates outdated language
- Places greater reliance on administrative rules approved and adopted by Council for minor changes
- Permits flexibility and adaptation to reflect values of changing populations
- Marginally increases the number of future employees that might serve "at will" in order to give Council greater flexibility, but maintains Civil Service protections for those currently afforded it
- Guarantees rights of employees to collective bargaining

Merits: The Commission's recommendation regarding Civil Service offers the following advantages to Portland in the future:

- Eliminates overly restrictive or outdated language
- Provides a more flexible structure and reflects the needs of a diverse, changing community
- Increases visibility of the Civil Service Board and maintains its functions
- Does not adversely affect application of the Commission's six core values to the Civil Service system

Questions and Answers: Some common questions the Commission encountered and considered regarding its Civil Service recommendations include:

Does the Commission's recommendation give too much power to the Human Resources Director?

The recommendation ensures a high level of dialogue between the Human Resources Director, the Civil Service Board and Council. On an annual basis, the recommendation allows for Board review of any administrative rule adopted by Council or set to go before Council. The Board will be in a position to provide input to the council or the Human Resources Director on any administrative rule within the scope of duties assigned to the Board.

Will increasing the number of "at will" positions stifle internal discussion and deter some employees from seeking promotion to these positions?

Many governments permit significantly more “at will” classifications to be moved to this status by legislative action than is allowed by this recommendation. In this recommendation, even if all classifications that have a “major role in the formulation of policy requiring the exercise of independent judgment” would be assigned to that status, the impact would be limited to a very small percentage of the total City workforce.

PERIODIC CHARTER REVIEW

Recommendation: At least every six years, Council should convene a citizens' Charter Commission (representative of the City as a whole) to review aspects of the City Charter and to recommend Charter amendments to Council and the voters of the City. The first such Charter Commission should be formed within two years from implementation of this Commission's recommendations to, among other things, address certain pressing issues identified by this Commission.

Merits: The Commission's recommendation regarding periodic charter review offers the following advantages to Portland in the future:

- Provides citizens an opportunity to periodically review the City Charter and gives all residents of the City an opportunity to consider fundamental issues of City structure and governance
- Adheres to Portland's tradition of civic engagement by permitting citizens to independently examine the City's governing document from an impartial perspective
- Composition of each Charter Commission promotes representation and inclusiveness
- Permits the Charter to evolve to reflect the changing face and needs of the City and its residents

Questions and Answers: Some common questions the Commission encountered and considered regarding its periodic charter review recommendations include:

Why should the Charter be reviewed frequently?

As the City grows in size and complexion, parts of the Charter might need to be rewritten to adapt to those changes. Portland's current Charter has served for more than 80 year. It is exponentially larger than the Model Charter of the National Civic League, and it includes provisions that are obsolete, obscure, and/or redundant. In addition, it addresses numerous matters that should be in code and ordinance rather than Charter. Without a known review schedule, changes by initiative petition are more likely to occur.

Why appoint a Charter Commission?

Commission members believe that a Charter Commission, representative of the entire City, would be the best body to review and suggest Charter changes. Since Charter Commission members cannot be elected officials, they should not be as politically motivated as members of Council or special interest groups in their review and decision making.

Why should the Charter Commission choose what it will review?

The Charter Commission will reflect Portland's residents, and will be cognizant of community issues. Members of the Charter Commission will listen to suggestions from all Portland

residents, including elected officials, as to what should be investigated in the Charter and then select its highest priorities.

Why should the Charter amendments proposed by the Charter Commission be submitted directly to the ballot?

Commission members will read about issues, hear from many experts and listen to and discuss issues with various individuals and groups. Charter Commission members should expect their recommendations to go directly to the ballot, as they do in Multnomah County. The entire community should have an opportunity to discuss the merits and vote on a Charter Commission's recommendations.

Why should the next Charter Review take place in two years?

It has been more than 80 years since the last Charter Review Commission met. There still are many chapters in the Charter that have never been reviewed or updated. Also, this Commission is suggesting some dramatic changes which the voters may be willing to accept if they can review how the City is functioning in two years and make appropriate adjustments.

What sorts of issues does this Commission recommend be considered in two years' time?

Among other things, this Commission believes that the following issues deserve urgent attention in two years' time:

- Election and voting format (*e.g.*, districts, at-large, hybrid formats)
- Size of Council
- Alignment with visionPDX and Community Connect results
- Consider a Charter preamble to emphasize Portland's community values
- Streamlining the Charter to a "model charter" format

Commission Membership Roster

The following is a complete list of Commission members appointed by City Council. The recommendations reflect the contributions of all the members. All members served and completed their appointed terms. Names prefaced with an asterisk (*) denote those members who were unable to extend their terms until the conclusion of this report.

David Wang. Commission Chair. A partner in the global law firm of Holland & Knight, LLP, he is active in the Asian American Business Alliance and the Oregon State Bar, and he is also a regular volunteer with the SMART reading program at Sabin Elementary.

Bob Ball. A real estate developer specializing in historic preservation, he is also a Reserve captain for Portland Police Bureau. He was chief petitioner of a ballot measure to change Portland's form of government in 2001-2002.

***Beau Barnes.** A Lewis & Clark College senior who tutors immigrant teens in Spanish and English.

***Guy Crawford.** The Director of Placement at the North West College of Construction, he has served on the Governor's Public Welfare Review Commission; the Parkrose Educational Foundation, and on the board of the Mt. Hood Community College Employees Association.

Melanie Davis. The Sales and Marketing Director for El Hispanic News, the nation's largest bilingual newspaper, she is treasurer of the Portland Guadalajara Sister City Association and has served on the Multnomah County Gang Task Force; Cinco de Mayor Fiesta; Sabor Latino, and the Portland Community Land Trust.

Jillian Detweiler. Employed by TriMet, she has served as an assistant to former City Commissioner Charlie Hales, and is a past board member of the Southeast Uplift and Brooklyn Neighborhood Association.

Bruce Harder. Now retired, he has served as executive director of finance and administration for TriMet, and on Housing Authority of Portland advisory committees.

Ed Hall. A Portland firefighter, he is active in the PFFA and Portland Jobs with Justice.

Joe Hertzberg. A management consultant, he has served on the boards of Friends of Children, The Lowenstein Trust, and the Portland Jewish Review.

Jim Hosmer. A 26-year employee of the City, he currently works for the Department of Transportation's Bureau of Maintenance and is a member of Local 483. He enjoys woodworking, his greenhouse and volunteering in his community.

Kris Hudson. She is a member and past president of the League of Women Voters and has staffed the Governor's Commission on Higher Education; served on the Oregon Board of Dentistry, the Multnomah County Charter Review Committee and Portland Future Focus.

David Kelleher. A management consultant and former officer in U.S. Army, he served on the board of the National Multiple Sclerosis Society-Oregon Chapter and mentors with Portland Public Schools-Teen Parent Services.

***LeAnn Locher.** A communications professional with The Metropolitan Group, she has worked with many government agencies, including the PDC, and is active in GLBTQ causes.

Nicole Maher. The Executive Director of the Native American Youth and Family Center (NAYA Family Center), she has served on the boards of the National Urban Indian Family Center Coalition; Oregon Indian Education Association and Youth and Elders Poverty Reduction Council.

Peg Malloy. Executive Director of the Portland Housing Center, she has served as chair of the Housing and Community Development Commission and Community Development Network.

David Martinez Former Director of Multicultural Programs for Linfield College's Portland campus, he now works for Multnomah County Commissioner Maria Rojo de Steffey. He is a member of Portland Guadalajara Sister City Association, the Cesar E. Chavez Leadership Conference, Cascade AIDS Project and the LGBTQ Community Center Fund.

***Susan McGee.** A sales representative with Hershey Foods, she has volunteered with Central City Concern and The Oregon Donor Program.

Jim Meyer. A small business and real estate investor, he has chaired the Portland Civil Service Commission and served on the Coliseum/Stadium Task Force, Oregon Economic Development Commission, Oregon Educational Coordinating Commission, Portland Schools Foundation and Portland Parks Foundation.

Paul Meyer. An attorney and mediator, he is a former member of the Teachers Standards and Practices Commission; founder of the ACLU of Oregon and member of its national board; board member of Portland Opera Company; Friends of Chamber Music; Temple Beth Israel and Robison Jewish Home.

***Judy O'Connor.** Executive Secretary-Treasurer of Northwest Oregon Labor Council, AFL-CIO, she has served on the United Way of Columbia-Willamette; Worksystems, Inc.; Northwest Labor Press and Labor's Community Services Agency, Inc.

Robin Plance. A maintenance supervisor, he has served with the Gresham Optimist Club; St. Johns Neighborhood Association Board and Portland Harbor Community Advisory Group.

Emily Ryan. A homeless advocate, she serves on Multnomah County's Chain of Poverty Advisory Committee on Children, Families and Communities.

Nohad Toulan Dean Emeritus of Portland State University's College of Urban and Public Affairs, he is a member of numerous civic committees, including Mayor's Task Force on the

Future of Central City, Portland Freeway Loop Task Force, Mercy Corps International, World Affairs Council of Oregon and the Governor's Willamette Livability Forum.

***Charles Wilhoite.** A financial consultant, who initially Chaired the Commission, is a former Chair of the Urban League of Portland and involved in a number of professional and community-based organizations, including the Portland Business Alliance, OHSU, the Portland State University Foundation, Jesuit High School and the Oregon Children's Foundation-SMART. He left the Commission to accept an appointment to the Portland Development Commission.

Harold Williams, Sr. President of CH2A & Associates, he is chair of the African American Chamber of Commerce and the board of Portland Community College.

Loretta Young. Manager of the City of Portland's Minority and Women Business program, she serves on the board of National Forum for Black Public Administrators.

Honorary Advisory Committee to the Charter Review Commission

Baruti Artharee	Providence Health Systems
Dan Bernstine	President of Portland State University
Sam Brooks	Business owner, Brooks Associates
Gale Castillo	Executive Director, Hispanic Chamber of Commerce
Bud Clark	Former Mayor of Portland
Sho Dozono	Business owner, Azumano Travel
Roy Jay	African American Chamber of Commerce
Vera Katz	Former Mayor of Portland
Jaime Lim	Business owner, The Asian Reporter
Mike Lindberg	Former City Commissioner
Barbara Roberts	Former Governor of Oregon

RESOURCES LIST

The Charter Review Commission and subcommittee members conducted research into strengths and weaknesses of the current systems and requested feedback on various options in their recommendations. In making these deliberations, the Commission listened to and discussed issues with the following people:

Speakers/Presenters

Charles Jordan, Former City Commissioner
Michael Jordan, Former Clackamas County Commissioner- COO -Metro
Norm Rice, Former Seattle Commissioner and Mayor of Seattle
Charlie Hales, former City Commissioner
Earl Blumenauer, Congressman and former City Commissioner
Tom Potter, Mayor
Dan Saltzman, Commissioner
Sam Adams, Commissioner
Randy Leonard, Commissioner
Erik Sten, Commissioner
Gary Blackmer, Auditor
Mike Lindberg, Former Commissioner
Vera Katz, Former Mayor
Bud Clark, Former Mayor
Adrian Kiatkowski, Strong Mayor Institute
Bill Moore, ICMA
David Knowles, Former Planning Director/Metro Councilor
Bonny McKnight, Neighborhood activist-former Candidate for Council
Jeff Merkley, State Representative
Don McGillvray, Citizen Activist
Ray Kerridge, Former Development Services Director/City Mgr. of Sacramento
Tim Grewe, Former Chief Administrative Officer
Linda Meng, City Attorney
Renee Fellman, Citizen Activist
Bruce Warner, PDC Executive Director
Roy Jay, African American Chamber of Commerce
Gail Castillo, Hispanic Chamber of Commerce
Doug Morgan, Portland State University Hatfield School of Government
Raphael Sonenshein, Former Director of Los Angeles Charter Review Commission
Rob Fong, Councilor and Vice-Mayor, Sacramento
James Woods, Parkrose School Board member
Dan Handelman and 5 other citizens re: IPR
Anna Kanwit, Dep. Director, Bureau of Human Resources
Jim Meyer, Former Civil Service Board member and Commission member
Janice Deardorff, Former HR Director, current Asst. City Manager, Lake Oswego
Rob Wheaton, Local 483 Laborers

Yvonne Deckard, Director, Bureau of Human Resources
Harvey Rogers, Attorney, Preston Gates Ellis
Jeff Condit, Attorney
Matt Baines, General Counsel/PDC
Cadence Moylen, PDC Consultant
Catherine Riffe, City Attorney
Pat LaCrosse, Former PDC Director
Dan Steffey, Developer
Randy Ventgen, Former Civil Service Board member
Debbie Aiona, League of Women Voters
Shelly Lorenzen, League of Women Voters
Bob Shiprack, Oregon State Building and Construction Trades Council
Doug Butler, Multnomah County General Services

Reference Materials

City of Portland Charter
National Civic League Model Charter
League of Oregon Cities Model Charter
Multnomah County Charter
City Club Report on Charter Revision, 1961
City Club Ballot Measure Research Study on Ballot Measure 26-30, 2002
City of Portland Service Efforts and Accomplishments Report, 2005

Assessing the CAO Position in a Strong Mayor Government
Kimberly Nelson, National Civic Review, Vol. 91, No. 1, Spring 2002, p. 41.

Recommendations for Model Mayor-Council Cities with Special Attention to Appointing CAOs
James H. Svara, National Civic League, background paper for the 8th Edition of the Model City Charter.

Mayoral Leadership in Council-Manager Cities: Preconditions v. Preconceptions
James H. Svara, The Journal of Politics, Vol. 49, No. 1, Feb. 1987, p. 207.

Renewing the Model City Charter: The Making of the Eighth Edition
Christopher T. Gates and Robert Loper, International City/County Management Association, Vol. 85, No. 3, April 2003.

Trends in Forms of Government in Washington Cities
Municipal Research News, MSRC, Dec. 1991.

CHAPTERS 1 AND 2, FORM OF GOVERNMENT

CHAPTER 1

CORPORATE EXISTENCE AND POWERS

Article 1. POWERS, RIGHTS AND LIABILITIES

Section 1-101 Continuation and Grant of Corporate Powers.

The municipal corporation now existing and known as the City of Portland shall remain and continue a body politic and corporate by the name of the City of Portland, shall have perpetual succession, and shall have all general and specific powers granted to the City by any general or special law of the State of Oregon, or by the 1903 Legislative Charter of the City. All previously existing legal rights or powers of the City held or accruing to it shall continue as though no amendment of this Section had been made, and all duties and liabilities accrued or accruing to others at the time of this amendment from acts or agreements of the City shall not be affected by any amendment to this Charter. [Ch. 1903, sec. 2; rev. 1914, sec. 2; 1928 pub., sec. 2; 1942 recod., sec. 1-102; rev. May 18, 1962.]

Section 1-102 Grant of General Powers.

The City has all powers that the constitutions, statutes and common law of the United States and the state of Oregon expressly or impliedly grant or allow the City, as fully as though each particular power were specifically enumerated in this Charter. Without limitation, the City has all powers contained in its legislatively granted Charter listed in Section 1-301.

The Charter shall be liberally construed so that the City may exercise fully all powers possible under this Charter and under the laws of the United States and the State of Oregon and so that none of the City's powers existing in the original Charter granted to the City by the State Legislature of Oregon in 1903 will be reduced or diminished. The enumeration of any particular powers granted in this Charter shall not be construed to impair the general grant of powers.

Municipal Powers Vested in Mayor and Council. [moved from 2-101 and changed]

The power and authority given to the municipal corporation of the City of Portland hereby is vested in the Mayor and City Council, subject to the initiative and referendum and other powers reserved to the people by the constitution of the State of Oregon as defined and prescribed by the provisions of the constitution and general laws relating thereto, and by the provisions of this Charter. [May 3, 1913, new sec. 6; rev. 1914, sec. 20; 1928 pub., sec 20; 1942 recod., sec. 2-101; am. Nov. 6, 1962.]

Section 1-103 Legal Proceedings.

Suits, actions and proceedings whether civil or criminal may be brought in the name of the City of Portland for the recovery of any property, for enforcement of any rights of the City or the public for whom the City may act, arising in contract or otherwise, and for the enforcement of City laws, whether arising, accruing or enacted before or after the adoption of this amendment. [Ch. 1903, sec. 5; rev. 1914, sec. 5; 1928 pub., sec. 5; 1942 recod., sec. 1-105; rev. May 18, 1962.]

Section 1-104 Alienability of Public Places and Property and Limitations Thereon.

The City of Portland may not divest itself of title it has or may acquire in and to water front, wharf property, land under water and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original United States surveys and conformed to by the original plats of the City of Portland, or any landing, wharf, dock, highway, bridge, avenue, street, alley, lane, park or any other public place, or like property that it may now own or hereafter may acquire, except as set forth in this Charter or as provided by statute.

The City may vacate street area if such vacation would not interfere with reasonable access to the water front or any transportation terminal. Favorable vote of at least four-fifths of all members of the Council shall be required for any ordinance of vacation. The Council may impose such conditions upon the street vacation as it deems appropriate in the public interest. This Section shall not be deemed to prevent re-platting of subdivisions wherever situated, nor relocation of streets.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts or terminates against a waterway or connects with a railroad terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation or distribution, or facilities for the protection of persons or property, which does not prevent access of the public to uses provided; and this clause shall include and apply to all structures necessary in the improvement of the public docks.

Wharves, docks, port and harbor facilities and other City-owned property or structures may be rented, leased or pledged, provided that the present or future right of the public to use thereof is preserved or will be promoted.

No dedication by the City of any park, playground or public place shall be terminated unless the Council finds that such dedicated area is no longer needed for the dedication purpose, or that another public use has a greater need for such property, or that another location would further the public use. When such dedication is terminated, the property may be leased, sold or exchanged.

The Council may rent or lease area below or above parks, public places, streets, viaducts, tunnels and other facilities, where the public use is preserved.

The City may sell, dispose of or exchange any buildings, structures or property, real or personal, which it owns or may acquire not needed for public use, by negotiation, bid, auction or any other method the Council finds appropriate. Favorable vote of at least four-fifths of all members of the Council shall be necessary for any ordinance authorizing such sale, disposal or exchange. The City may sell property on contract for such term as the Council finds appropriate, notwithstanding any term limit elsewhere prescribed in the Charter. In cases where property to be exchanged is held by the City upon any trust (including property held as security for bond issues) the property received in exchange shall be similarly held and any net income therefrom shall be applied to such trust.

The City may rent or lease property which will not be needed for public use during the term of the rental or lease for any term permitted by statute. [Ch. 1903, part of sec. 93; am. June 5, 1911, part of sec. 93; am. Nov. 2, 1912, part of sec. 93; am. May 3, 1913, part of sec. 66; rev. 1914, sec. 7; am. June 7, 1921; 1928 pub., sec. 7; 1942 recod., sec. 1-107; new sec. Nov. 2, 1948; rev. May 18, 1962.]

Section 1-105 Nonliability for Defective Sidewalks, Etc.

No recourse shall be had against the City for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, curb, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the City for want of repair of any sidewalk, curb, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City for damage to person or property suffered or sustained by reason of accident on sidewalk, curb, street, avenue, lane, alley, court or place or by falling from any embankment thereon or into any excavation therein; but in such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, curb, street, or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained. [Ch. 1903, sec. 8; rev. 1914, sec. 281; 1928 pub., sec. 281; 1942 recod., sec. 1-110; rev. May 18, 1962.]

Section 1-106 Damage Claims, Insurance.

Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and agents acting within the scope of their employment or duties, must be presented to the City Attorney within the time prescribed by law. The Council shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the Council shall deem it advantageous to procure

insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. The Mayor may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars (\$5,000). Payment exceeding five thousand dollars (\$5,000) for any claim must be authorized by an ordinance. [Ch. 1903, sec. 9; rev. 1914, sec. 282; 1928 pub., sec. 282; 1942 recod., sec. 1-111; rev. May 18, 1962; rev. Nov. 2, 1976; am. May 20, 1986.]

Section 1-107 Certain Fair and Moral Obligations May Be Paid.

To the end that the Council may provide for paying claims which it finds to be fair and moral obligations of the City but limited to claims that are barred by Charter exemption or by reason of governmental immunity or that are asserted by employees for the replacement of personal property damaged in the course of performing their employment duties, it may in its discretion direct payment or settlement, provided that an affidavit of the claimant or person representing the claimant and having knowledge of the facts is filed with the City Attorney within thirty (30) days after the event which caused the claim (unless the Council, upon proof of a good excuse, permits later filing) showing therein the name, age, and address of the claimant, the time and facts which give rise to the claim, the persons present, if any, able to substantiate the facts and circumstances, the name of the City officer or employee first contacted with reference to the claim, the name and address of the physician and/or surgeon who attended the claimant if the claim be based on personal injury treated by a physician or surgeon, a description of the injuries if personal injury was sustained, a particular statement of the damage, if real and/or personal property was damaged, the places of residence and address of the claimant during three (3) years preceding the claim, a detail of the expense constituting the claim, in so far as expense shall have been and/or probably will be incurred, and such other data as will give the City an opportunity to readily ascertain the facts, extent of injury, cost resulting therefrom and the integrity of the claimant. When insurance (covering the claimant, the City or the City employee involved) applies, the claim shall not be allowed as to any portion covered by the insurance. No claim shall be allowed the enforcement of which would be barred by the statute of limitations, and no payment shall be made unless the claimant accepts the amounts allowed as in full compromise and settlement of all amounts claimed or to be claimed against the City, its officers or employees arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the City in any defense that it may have in any suit or action. Nothing contained herein shall be construed as giving any right to institute or maintain any suit or action which would not otherwise exist. [May 17, 1946, new sec., 1-112; recod., May 18, 1962; am. May 20, 1980; am. May 20, 1986.]

Section 1-108 Mandatory Weatherization for Existing Buildings Requires Vote of the People.

Except for the provisions of the Building Code of the City of Portland in effect on September 1, 1979, the Council of the City of Portland shall not pass or enforce any ordinance, resolution, law or program mandating weatherization for any building or structure built in the City of Portland

prior to September 1, 1979, unless such ordinance, resolution, law or program is referred to the citizens of Portland for a vote. (Add. Nov. 4, 1980.)

Article 2. Boundaries and Annexation

Section 1-201 Boundaries.

All property surrounded by the corporate limits of the City of Portland as described and officially filed from time to time as set forth in this Section is hereby embraced within the City of Portland. Within ten (10) days after this amendment becomes effective and the official canvass of votes is completed and results of election on this amendment are proclaimed, the Council shall adopt a resolution describing such boundaries. Certified copies of such resolution shall be filed with the Secretary of State and the librarian of the Supreme Court of the State of Oregon, with the County Commission or county court of each county in which a portion of the City is located, and with the Clerk, Assessor, Surveyor, Engineer, Elections Officer, and Tax Supervising and Conservation Commission, if any, of each such county, and such other official as may be required by statute. [Ch. 1903, sec. 12; rev. 1914, sec. 9; 1928 pub., sec. 9; 1942 recod., sec. 1-201; am. May 18, 1962; am. May 20, 1986.]

Section 1-202 Annexations.

The City of Portland may annex additional territory and other cities or areas may be consolidated or merged with the City in any manner permitted by statute. [Ch. 1903, sec. 13; rev. 1914, sec. 10; 1928 pub., sec. 10; 1942 recod., sec. 1-202; am. May 18, 1962.]

Section 1-203 Boundary Changes.

Within ten (10) days after the effective date of any annexation or ten (10) days after the proclamation of results of any election on merger or consolidation, if such merger or consolidation is successful, the Council shall adopt a resolution describing the new boundaries, certified copies of which shall be filed as set forth in Section 1-201 of this Charter. [Ch. 1903, sec. 17; rev. 1914 sec. 14; 1928 pub., sec. 14; 1942 recod., sec. 1-206; rev. May 18, 1962.]

Article 3. Specific Powers

Section 1-301 Enumerated Powers.

(a) Among *its* specific powers, the City has power and authority:

1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.

- 3.** To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.
- 4.** To enter into agreements without limitation as to term, as the Council finds appropriate, for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.
- 5.** To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
- 6.** To purchase, or acquire by condemnation or otherwise, or to lease, for such term as the Council may find appropriate, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto. [Am. Nov. 4, 1980.]
- 7.** To provide for the purchase of property levied upon under execution in favor of the City.
- 8.** To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
- 9.** To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
- 10.** To provide a seal for the City and seals for the several boards and officers thereof.
- 11.** To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
- 12.** To fix by ordinance the hours during which all offices and departments of the City shall be kept open for business.
- 13.** To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a secret service Fund, for which the Mayor need furnish no vouchers, and such appropriation shall be made.

15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.

16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.

17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefore, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.

18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair which the Council finds necessary or appropriate.

19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.

20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.

21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.

22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.

23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.

24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as the Council may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.

25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.

26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.

27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to sewers, streets, sidewalks, utilities lines, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the Council may direct.

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.

29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.

30. To provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to

enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, as the Council may determine.

31. To provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.

32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.

33. To compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.

34. To regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.

35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.

36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may in the opinion of the Council create or constitute a nuisance, and to regulate uses of land and structures within the City.

37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may upon the order of the Council be entered into the docket of City liens and thereafter collected in such manner as the Council may direct.

38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.

39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.

- 40.** To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
- 41.** To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
- 42.** To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
- 43.** To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.
- 44.** To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may upon the order of the Council be entered in the docket of City liens and thereafter collected in such manner as the Council may direct.
- 45.** To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
- 46.** To regulate, prevent and prohibit loud or unnecessary noise.
- 47.** To prevent trespassing and punish trespassers upon real and personal property.
- 48.** To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
- 49.** To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefore, and to punish any keeper of such house or place, or person who frequents the same.

50. To prevent the sale, circulation, display and disposition of obscene matter, including books, papers, prints, pictures, films and other material, and of obscene advertisements of any kind, and to punish any person who sells or offers for sale, displays or who circulates or disposes of such literature, books, papers, prints, pictures, films, advertising matter and other material, and to define and declare from time to time what literature, books, papers, prints, pictures, films, advertising matter and other material are obscene within the purposes and province of this provision.

51. To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.

52. To prohibit persons from roaming the streets at unseasonable hours.

53. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.

54. To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

55. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.

56. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.

57. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid as provided by the Council.

58. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.

59. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.

- 60.** To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
- 61.** To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
- 62.** To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
- 63.** To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
- 64.** To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
- 65.** To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

CHAPTER 2
GOVERNMENT

Article 1 The Council

Section 2-101 City Council.

The City Council of the City of Portland shall consist of a Mayor and four (4) Council members. The Council shall have and exercise all of the City's legislative and quasi-judicial powers and authority except where such power is expressly bestowed upon some other officer, board or commission to the exclusion of the Council. The Council may delegate any of its quasi-judicial powers as it may find appropriate. In performing its legislative functions, the Council shall:

- (a) Adopt legislation and set City policy in the form of ordinances and resolutions.
- (b) Develop and adopt a strategic plan that reflects the City's goals and vision.
- (c) Adopt the City's budget.
- (d) Exercise legislative oversight over the City's executive and administrative functions.
- (e) Establish such committees as it determines appropriate to facilitate its work and make appointments to those committees. Committees may include members other than Council members, however, the Chair of each committee must be a Council member.
- (f) Represent the residents of the City and establish procedures to facilitate access to City government and access by Council members to all residents in all areas of the City.
- (g) Confirm executive appointments where provided in this Charter.
- (h) Exercise all other powers given it in this Charter.

[1942 recod., sec. 2-101; rev. Nov. 6, 1962.]

Section 2-102 Investigations. *[moved from 2-109]*

The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the City government, and the official acts and conduct of any City officer, employee, or agent; and for the purpose of ascertaining facts in connection with such investigation, shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as it may deem necessary, and to compel the production of books, documents, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such under the laws of the State of Oregon. [Ch. 1903, sec.47; rev. 1914, sec. 32; 1928 pub., sec. 32; 1942 recod., sec. 2-118; rev. Nov. 6, 1962.]

Section 2-103 Boards and Commissions.

Except as otherwise provided in this Charter, the Council may create and establish such boards and commissions as it may deem necessary in addition to boards and commissions established by this Charter, and may abolish or alter from time to time any boards or commissions it has established or may establish. All powers and duties of abolished boards and commissions shall

be exercised and performed by the Council. [1942 recod., sec. 2-102; sec. 2-103; am. Nov. 6, 1962.]

Section 2-104 Punishment for Ordinance Violations.

The Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter, to provide for the punishment of a violation of any ordinance of the City by a fine or by imprisonment, or by both. Such imprisonment shall be for a term not exceeding six (6) months. In addition to the foregoing penalties, forfeiture of property or license of any kind may be provided. The limitations as to length of sentence contained in this Section shall not apply to any offense for which different limitations are fixed elsewhere in this Charter. [Ch. 1903 subdn. 3, sec. 73; rev. May 3, 1913, effective in July; new sec. June 2, 1913; subdn. 3, sec. 73; rev. 1914; sec. 35; 1928 pub., sec. 35; 1942 recod., sec. 2-106; rev. Nov. 6, 1962; am. Dec. 14, 1971; am. May 20, 1980.]

Section 2-105 Emergency Fund.

There shall be annually appropriated and set apart the sum of five thousand dollars (\$5,000) to be known as the Emergency Fund of the Council and the Council may use and expend such Fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made. No part of such Fund shall be used as compensation or additional salary or for the personal benefit of the Mayor or any Council member. [May 3, 1913, new sec. 33; rev. 1914, sec. 31; 1928 pub., sec. 31; 1942 recod., sec. 2-117; rev. Nov. 6, 1962.]

Section 2-106 Organization.

At its first regular meeting each calendar year, or more often at its option, the Council shall elect a President by majority vote. The Mayor shall preside at all meetings of the Council. In the Mayor's absence, the President of the Council shall preside at Council meetings. In the absence of both President and Mayor, the other members of the Council shall select one of their number to preside. [May 3, 1913, new sec. 35; rev. 1914, sec. 37; 1928 pub., sec. 37; 1942 recod., sec. 2-121; rev. Nov. 6, 1962.]

Section 2-107 Rules of Procedure.

The Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of members. [May 3, 1913, new sec. 19; rev. 1914, sec. 41; 1928 pub., sec. 41; 1942 recod., sec. 2-122; am. Nov. 6, 1962.]

Section 2-108 Meetings and Journal.

All regular and special meetings of the Council shall be public. It shall hold one regular legislative meeting each week, and such other meetings as it may prescribe. The Council shall keep a journal of its proceedings which shall be a public record. [May 3, 1913, new sec. 20; rev. 1914, sec. 42; 1928 pub., sec. 42; 1942 recod., sec. 2-123; rev. Nov. 6, 1962.]

Section 2-109 Calendar.

The Auditor shall produce for distribution at least twenty-four (24) hours before each legislative session a summary of all matters to come before the Council at the next regular legislative session. Only matters contained in said summary shall be considered at such legislative session

unless four (4) members of the Council shall vote to consider otherwise. [May 3, 1913, new sec. 30; rev. 1914, sec. 38; 1928 pub., sec. 38; 1942 recod., sec. 2-124; rev. Nov. 6, 1962; am. May 19, 1994.]

Section 2-110 Quorum.

At any meeting of the Council a majority of the total number shall constitute a quorum, but a lesser number may adjourn or recess from time to time, and may compel the attendance of absent members. [May 3, 1913, new sec. 21; rev. 1914, sec. 43; 1928 pub., sec. 43; 1942 recod., sec. 2-125; rev. Nov. 6, 1962.]

Section 2-111 Privilege in Debate.

A member of the Council for words uttered in debate therein shall not be questioned in any other place. [May 3, 1913, new sec. 32; rev. 1914, sec. 40; 1928 pub., sec. 40; 1942 recod., sec. 2-126; rev. Nov. 6, 1962.]

Section 2-112 Aye and Nay Vote.

Upon the request of any member the ayes and nays shall be taken and recorded upon any action or resolution. [May 3, 1913, new sec. 31; rev. 1914, sec. 39; 1928 pub., sec. 39; 1942 recod., sec. 2-127; rev. Nov. 6, 1962.]

Section 2-113 Transaction of Business.

In the transaction of legislative or judicial business the Council shall act only by the ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every member when present must vote, unless the remainder of the Council approves the member's excuse for disqualification, and every ordinance shall require the affirmative vote of three (3) members. [May 3, 1913, new sec. 22; rev. 1914, sec. 44; 1928 pub., sec. 44; 1942 recod., sec. 2-128; rev. Nov. 6, 1962.]

Section 2-114 Ordinances, Subject.

No ordinance, except one making an appropriation, shall contain more than one general subject; ordinances making appropriations shall be confined to the subject of appropriations. [May 3, 1913, new sec. 23; rev. 1914, sec. 45; 1928 pub., sec. 45; 1942 recod., sec. 2-129; rev. Nov. 6, 1962.]

Section 2-115 Ordinances, Enacting Clause.

The enacting clause of all ordinances shall be the words "The City of Portland ordains." [May 3, 1913, new sec. 24; rev. 1914, sec. 46; 1928 pub., sec. 46; 1942 recod., sec. 2-130; rev. Nov. 6, 1962.]

Section 2-116 Ordinances, Passage.

Every ordinance except an emergency ordinance shall have two (2) public readings of its title or the effect thereof. At least five (5) days shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within five (5) days of its final passage except in the case of an emergency ordinance. An emergency ordinance shall have one public reading of its title or the effect thereof and may be enacted upon the date of its introduction, providing that it contains the statement that an emergency exists and specifies with distinctness

the facts or reasons constituting such emergency. The unanimous vote of all members of the Council present, and of not less than four (4) members shall be required to pass an emergency ordinance. [May 3, 1913, new sec. 25; rev. 1914, sec. 47; 1928 pub., sec. 47; 1942 recod., sec. 2-131; rev. Nov. 6, 1962; am. May 20, 1980.]

Section 2-117 Ordinances, Amendments and Repeals.

Amendments or repeals of ordinances, or sections thereof, shall also be by ordinance. [May 3, 1913, new sec. 28; rev. 1914, sec. 50; 1928 pub., sec. 50; 1942 recod., sec. 2-132; rev. Nov. 6, 1962.]

Section 2-118 Ordinances, Attestation.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor. [May 3, 1913, part of new sec. 29; rev. 1914, sec. 51; 1928 pub., sec. 51; 1942 recod., sec. 2-133; rev. Nov. 6, 1962; am. May 20, 1980; am. May 18, 1994.]

Section 2-119 Ordinances, Effective Date.

Ordinances (a) making appropriations and the annual tax levy, (b) relative to local improvements and assessments thereof, and (c) emergency ordinances, shall take effect immediately upon their passage, or any special date less than thirty (30) days after passage, specifically fixed in such ordinance. All other ordinances enacted by the Council shall take effect thirty (30) days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative, and subject to the provisions of this Charter relating to objections. [May 3, 1913, new sec. 26; rev. 1914, sec. 48; 1928 pub., sec. 48, 1942 recod., sec. 2-134. rev. Nov. 6, 1962.]

Section 2-120 Ordinances, Objections.

At any time within ten (10) days after the passage of any ordinance which shall not take effect immediately, any member of the Council may file, in writing, objections to said ordinance, which shall be considered and voted upon by the Council at its next regular meeting. If a majority shall vote to sustain such objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance. If a majority shall vote not to sustain such objections, the same shall have no effect on the ordinance. The objections, together with the vote thereon, shall be preserved on record. [May 3, 1913, part of new sec. 29; rev. 1914, sec. 52; 1928 pub., sec. 52; 1942 recod., sec. 2-135; rev. Nov. 6, 1962.]

Section 2-121 Ordinances, Continuance of Existing.

All existing ordinances of the City of Portland, in force when this Charter revision takes effect and not inconsistent herewith, or constituting a contract between the City and another person, shall be and remain in full force until repealed or until they expire by limitation contained therein. [Ch. 1903, sec. 52; rev. 1914, sec. 53; 1928 pub., sec. 53; 1942 recod., sec. 2-136; rev. Nov. 6, 1962.]

Section 2-122 Consent Agenda.

Notwithstanding the provisions of Sections 2-113, 2-113, and 2-116 of this Charter, the Council by rule may publish a procedure under which any ordinance, resolution or other action may be

placed on a consent agenda. At any meeting at which there is a consent agenda on the calendar, the ayes and nays shall be taken upon the passage of all items on the consent agenda by a single Council vote. It shall not be necessary that there be a reading or readings of the titles or the effect of the items on a consent agenda or that time elapse between the introduction and final passage of the items. The unanimous vote of all members of the Council present, and of not less than four (4) members, shall be required to pass a consent agenda. All items to be contained in a consent agenda shall be so listed in the summary of matters to come before the Council prepared under Section 2-109 of this Charter. Items on a consent agenda shall not be subject to amendment or debate. Any item shall be removed from a consent agenda on the request of a Council member, or on the request of any person who wished to be heard on the item, provided the request is made prior to taking the ayes and nays on the consent agenda. An item so removed from a consent agenda shall be treated as a regular calendar item for the meeting for which it was on the consent agenda. [May 20, 1980.]

Article 2 Elective Offices

Section 2-201 Elective Officers.

There shall be no elective officers of the City of Portland other than the Mayor, four (4) Council members and the Auditor. All said officers shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided. [May 3, 1913, new secs. 7 and 8; rev. 1914, sec. 21; 1928 pub., sec. 21; 1942 recod., sec. 2-107; rev. Nov. 6, 1962.]

Section 2-202 Qualifications.

Each elected official shall be a citizen of the United States and of the State of Oregon, and a registered voter who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one (1) year immediately preceding the nominating election. If any officer shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. [May 3, 1913, new sec. 9; rev. 1914, sec. 22; 1928 pub., sec. 22; 1942 recod., sec. 2-108; rev. Nov. 6, 1962; am. Dec. 18, 1984.]

Section 2-203 City Business, Time Devoted to. No official appointed or elected to elective office shall, during his or her term of service, hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party. [May 3, 1913, new sec. 14; rev. 1914, sec. 26; 1928 pub., sec. 26; 1942 recod., sec. 2-112; rev. Nov. 6, 1962.]

Section 2-204 Oath of Office.

Every official appointed or elected to elective office before entering upon the performance of his or her duties shall take an oath or affirmation that he or she will support the Constitutions of the United States and of the State of Oregon, and will faithfully and honestly discharge his or her duties; that the official holds no other office or position of profit, and that the official is not a member of any committee of any political party. If such oath or affirmation be false in any particular, it shall be deemed a delinquency in office on the part of such official. [May 3, 1913, new sec. 15; rev. 1914, sec. 27; 1928 pub., sec. 27; 1942 recod., sec. 2-113; rev. Nov. 6, 1962.]

Section 2-205 Vacancies in Office, Filling of Vacancies.

(a) A vacancy in office shall exist when the Mayor, a Council Member or the Auditor fails to qualify by taking the oath following his or her election, or when any officer or employee dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be mentally incompetent, is convicted of an offense which constitutes corruption, malfeasance or delinquency in office, forfeits his or her office under specific provisions of this Charter, or is elected or appointed to a different office, and qualifies, takes and assumes the duties of such different office.

(b) In the event of a vacancy in the office of the Mayor, the President of the Council shall perform the duties of the Mayor until a successor is elected. The election shall take place at the next election date that is at least 70 days from the date the vacancy occurs. If no candidate receives a majority of votes in that election, a runoff election shall be held on the next election date between the two candidates receiving the highest number of votes.

(c) If a vacancy occurs in the City Council or the position of Auditor, the position shall be filled through election at the next election date that is at least 70 days from the date the vacancy occurs. If no candidate receives a majority of votes in that election, a runoff election shall be held on the next election date between the two candidates receiving the highest number of votes.

(d) In the event of the death or disability preventing the performance of three (3) or more members of the City Council due to natural disaster, calamity, accident or enemy attack, the executive assistants of the deceased or disabled Council Members shall succeed to the vacancies on the City Council. Any individual serving under this Section shall have all qualifications required in this Charter for an elected official. The City Council so constituted shall serve as an interim Council for the purpose of transacting necessary City business. The Mayor and Council shall, as soon as practical, appoint interim occupants as provided in subsection (b) of this Section.

Article 3 The Mayor

Section 2-301 Duties.

The Mayor shall be the chief executive of the City. In performing the executive functions of the City the Mayor shall exercise a careful supervision over the general affairs of the City and over all of its offices and bureaus. The Mayor shall have authority to enforce and execute all the provisions of the Charter, the City Code, ordinances and resolutions of the City and other applicable law. Except as otherwise provided in this Charter, the Mayor shall have authority to:

- (a) Preside over meetings of the Council and have a vote on each matter before the Council.
- (b) Submit to the Council and the community an annual appraisal of the state of the City and recommendations for Council legislation in the coming year.
- (c) Appoint members of board and commissions subject to confirmation by the Council. Remove members of boards and commissions unless the ordinance creating a board or commission provides otherwise.

- (d) Prepare the budget for submission to the Council.
- (e) Determine by written order and change from time to time the distribution of work among offices and bureaus, including their creation, abolition, merger and separation, and the names of such offices and bureaus and their management personnel.
- (f) Appoint the Chief Administrative Officer, subject to confirmation by the Council, and have sole authority to remove the Chief Administrative Officer.
- (g) Appoint the directors of all offices and bureaus, subject to confirmation by the Council, provided however that temporary directors may be appointed without Council approval for a period not to exceed 180 days. The Police Chief shall have a minimum of ten (10) years active police experience.
- (h) Appoint, order, direct and discharge all officers and employees of the City except for the personal staff of elective officials and other officials whose appointment is specifically provided for in this Charter.
- (i) Enter into contracts, bonds and other instruments requiring City execution.
- (j) Represent the City in regional and intergovernmental relations.

The Mayor may delegate any non-legislative functions but no such delegation shall relieve the Mayor of responsibility for those functions.

When the Mayor is temporarily absent from the state or temporarily disabled, the President of the Council shall exercise the powers of the Mayor. [Ch. 1903, sec. 147; rev. 1914, sec. 59; 1928 pub., sec. 59; 1942 recod., sec. 2-301; rev. Nov. 6, 1962.]

Section 2-302 Investigation of and Suits to Cancel Franchises.

The Mayor may, on his or her own motion, and must upon a resolution passed by the Council directing the Mayor so to do, cause to be instituted on behalf of the City such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney, upon the Mayor's demand, must institute and prosecute the suits or actions required to enforce the provisions of this Section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective rights and obligations of the parties, and the performance of the same. [Ch. 1903, sec. 151; rev. 1914, sec. 60; 1928 pub., sec. 60; 1942 recod., sec. 2-302; rev. Nov. 6, 1962.]

Section 2-303 Investigation of Offices.

The Mayor may at any time, with or without notice, investigate in person, or through one or more competent persons appointed by the Mayor for the purpose, the offices and accounts of any department of the City or of any employee, and the official acts and conduct of any official or employee in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officer or employee. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as he or she may deem necessary, and to compel the production of books,

papers, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such. The expense of any such investigation shall be paid out of the General Fund, in the same manner as other claims against the City are paid. The result of all such examinations and investigations shall be reported to the Council, and such report be filed with the Auditor. [Ch. 1903, sec. 152; rev. 1914, sec. 61; 1928 pub., sec. 61; 1942 recod., sec. 2-303; rev. Nov. 6, 1962.]

Section 2-304 Suspensions Pending Investigation.

The Mayor shall have power to suspend, pending an official investigation, any officer of the City except Council members or the Auditor for any official defalcation or willful neglect of duty or official misconduct. [Ch. 1903, sec. 153; rev. 1914, sec. 62; 1928 pub., sec. 62; 1942 recod., sec. 2-304; rev. Nov. 6, 1962.]

Section 2-305 Notification of Contract Violations.

It shall be the duty of every officer and person in the employ or service of the City, when it shall come to such officer's or person's knowledge that any contract or agreement with the City, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated, forthwith to report to the Mayor all the facts and information within such officer's or person's possession concerning such matter. A willful failure so to do shall be sufficient cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that such person has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty in that respect. [Ch. 1903, sec. 158; rev. 1914, sec. 63; 1928 pub., sec. 63; 1942 recod., sec. 2-305; rev. Nov. 6, 1962.]

Section 2-306 Promotion of Industry. The Mayor shall have authority to promote industrial growth and assist in securing additional business and industry within the City, and to that end may make expenditures from the General Fund within the budget for advertising the advantages of the City, for assisting private industry and business enterprises in obtaining contracts or business, for assisting new business or industry to find locations in or adjacent to the City, and for such other promotional activities as the Mayor may find appropriate. The City may cooperate with any non-profit organization or other governmental agency in carrying out the purposes of this Section. [May 16, 1952, sec. 2-137, new sec.; rev. Nov. 6, 1962.]

Article 4 The Auditor

Section 2-401 Qualifications and Restrictions on Other City Candidacy.

There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a Council member, and in addition, shall at the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant and remain certified as such throughout the term of office, if elected. The Auditor shall be elected at the general municipal election and shall serve for a term of four (4) years. If an Auditor shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. The Auditor shall not run for election to any other City office during his or her term. The act of filing

for another City office will be the same as a resignation, which shall be effective as of the date of such filing. [Ch. 1903, sec. 269; am. May 3, 1913, sec. 97; rev. 1914, sec. 64; 1928 pub., sec. 64; 1942 recod., sec. 2-401; rev. Nov. 6, 1962; am. May 15, 1984; am. May 20, 1986; am. May 18, 1994.]

Section 2-402 Salary.

The salary of the Auditor shall be fixed by the Council. [Ch. 1903, sec. 270; am. May 3, 1913, sec. 98; rev. 1914, sec. 65; 1928 pub., sec. 65; 1942 recod., sec. 2-402; rev. Nov. 6, 1962; am. May 18, 1994.]

Section 2-403 Deputies.

The Auditor may appoint one chief deputy who shall serve at the pleasure of the Auditor. In addition, the Auditor may deputize other staff in the Auditor's Office to perform duties required by the Council or the Charter. The deputies shall have power to do and perform any act or duty required of the Auditor, and the Auditor shall be responsible for their conduct. The compensation to be paid to all of the Auditor's Office staff shall be determined as part of the City's general compensation plan. [Ch. 1903, sec. 271; rev. 1914, sec. 67; 1928 pub., sec. 67; 1942 recod., sec. 2-403; rev. Nov. 6, 1962; am. Nov. 2, 1982; am. May 18, 1994.]

Section 2-404 Duties in General.

(a) The Auditor shall be responsible for the following activities:

1. Performance of financial and performance audits of the City, including audits of its boards and commissions, franchises and contracts;
2. Supervision of City elections;
3. Maintenance of all official records, including records of the various bureaus, records regarding the City Charter and City Code, and all other records regarding City business;
4. Provision of official certifications as required by this Charter; and
5. Other duties as may be assigned by the Mayor or Council with the consent of the Auditor, or as prescribed by Charter.

(b) The Auditor may delegate, subject to the Auditor's supervision, any of these duties to other City officials or may contract with outside service providers. The Auditor shall remain responsible for the provision of these services. The Council shall provide staffing, funding, and facilities for the Auditor to carry out these duties. [Ch. 1903, sec. 272; rev. 1914, sec. 68; 1928 pub., sec. 68; 1942 recod., sec. 2-402; rev. Nov. 6, 1962; am. May, 20, 1986; am. May 18, 1994.]

Section 2-405 Audits.

(a) The Auditor shall conduct financial and performance audits of City government in accordance with generally accepted governmental auditing standards, and shall appoint, coordinate and monitor the annual audit of the City's financial statements by an independent licensed public accountant.

(b) City bureau managers shall respond to audit recommendations made by the Auditor, through the Chief Administrative Officer, to the Auditor, in writing within the time specified by the Auditor. All audit reports and responses shall be made available to the public. The Auditor shall retain workpaper files concerning all audit reports issued for at least six years.

(c) The Auditor shall make the final determination of acceptability and legitimacy of all claims for payment made against the City.

(d) The Auditor may require at any time that any or all demands upon the City for payment of money out of the treasury be presented to the Auditor before it can be paid in order to determine whether the money is legally due and payable, and the fund from which it should be paid. Any provision for the payment of any demand out of the treasury, whether from public funds or private funds shall be construed as allowing the auditing of the demand by the Auditor, either before payment or as part of the financial audit. The Auditor shall keep an official record of all demands audited by the Auditor showing the number, date, amount, name of the payee, the appropriation if any against which it was drawn and the fund from which it was paid.

(e) The Auditor shall have access to all information and records required to conduct an audit or otherwise perform audit duties.

[Ch. 1903, sec. 273; am. May 3, 1913, sec. 99; rev. 1914, sec. 66; 1928 pub., sec. 66; 1942 recod., sec. 2-405; rev. Nov. 6, 1962; am. May 20, 1986; am. May 18, 1994.]

Section 2-406 Auditor's Duties as Clerk of the Council.

The Auditor shall serve as the Clerk of the Council and shall maintain a journal of its proceedings and all of the public records in connection with the Council's official business. The Auditor shall produce an agenda for all formal meetings of the Council; maintain a record of the Council's actions; and make the records available for public inspection as provided by the State Public Records laws. As Clerk of the Council, the Auditor shall maintain and make available current versions of the City Charter and Code and maintain a record of Charter and Code revisions. [Ch. 1903, sec. 274; rev. 1914, sec. 69; 1928 pub., sec. 69; 1942 recod., sec. 2-406 and 2-407; rev. Nov. 6, 1962; am. May 20, 1986; am. May 18, 1994.]

Section 2-407 Charter Arrangement and Corrections.

Subject to Council approval, the Auditor shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of this Charter, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of this Charter, from time to time, and may delete provisions which have become inoperative or any provision ruled invalid by a court of competent jurisdiction. The Auditor may substitute any current title of an officer, bureau, department, or commission in lieu of the title originally appearing in the Charter provision, in accordance with the changes of title or duties subsequently made by law. [New sec. Nov. 6, 1962; am. May 18, 1994.]

Section 2-408 Deletion of Charter Terms Referring to Masculine or Feminine Gender.

Future amendments to the City Charter shall require the use of terms which are neither masculine nor feminine, unless the context of such Charter provision shall require otherwise.

The City Auditor, with approval of the City Attorney, shall be authorized to change the provisions of the City Charter to delete use of terms which are masculine or feminine, unless the context of such Charter provisions shall require otherwise. [New sec. May 15, 1984; am. May 18, 1994.]

Section 2-409 Official Oaths and Certifications and Custodian of the City Seal.

(a) The Auditor, and each of the Auditor's deputies, are authorized to administer an oath and certify any acknowledgement authorized or required to be taken by City ordinance, or law of this State, and the Auditor may require any person presenting for settlement an account or claim of any kind against the City to be sworn before him or her regarding such account or claim, and when so sworn, to answer orally or in writing as to any facts relative to the merits or justice of such account or claim.

(b) The Auditor shall cause his or her signature to be affixed to all warrants, contracts, bonds, and other official documents of the City as affirmation that the document and the action it represents have been duly authorized as required by this Charter and that the signatures of the other City officials on the document are true and duly authorized.

(c) The Auditor shall be the custodian of the City's seal.

[New Sec. May 18, 1994.]

Article 5 Chief Administrative Officer

Section 2-501. Appointment and Removal. There shall be a Chief Administrative Officer of the City who shall have managerial qualifications commensurate with the duties of the office.

Section 2-502. Devotion to City Business. The Chief Administrative Officer shall devote full time to the duties of that office and shall hold no other paid position, pursue no other business, be a candidate for no public office, and hold no other public office except as a member of the national guard or military reserve.

Section 2-503. Powers, Duties and Functions. The Chief Administrative Officer shall work under the direct supervision of the Mayor and shall be responsible to the Mayor for the proper administration of all affairs of the City not otherwise assigned in this Charter. The Chief Administrative Officer shall be responsible for the management of the City's operations, administration and personnel, and, except as otherwise provided in this Charter, shall:

- (a) From time to time recommend to the Mayor the distribution of work among offices and bureaus, including their creation, abolition, merger and separation, and the names of such offices and bureaus and their management personnel.
- (b) Recommend to the Mayor potential appointees to the position of directors of offices and bureaus.
- (c) Appoint, order, direct and discharge all employees of the City other than bureau directors, the personal staff of elected officials and other officials whose

appointment is otherwise provided for in this Charter, subject to the Civil Service provisions of this Charter and applicable law and contracts.

- (d) Prepare for submission to the Mayor the recommended budget and be responsible for the administration of the adopted budget.
- (e) Keep the Mayor advised concerning the operations of all offices and bureaus of the City.
- (f) Establish such financial and accounting records and procedures as will reflect the current financial status of all municipal activities.
- (g) Perform all other duties required by this Charter or assigned by the Mayor.

Article 6 Officers and Employees

Section 2-601 City Attorney.

The City Attorney shall:

- (a) Be appointed by a majority vote of the Council and may be removed by a majority vote of the Council.
- (b) Be a member in good standing of the Oregon State Bar and be chosen without regard to political considerations and solely with reference to legal and administrative qualifications.
- (c) Be the chief legal officer of the City and perform whatever duties consistent with this Charter are required by the Mayor or Council.
- (d) Appoint and remove all members of his or her staff, such employees to be under the City Attorney's direction and control.
- (e) Engage in no incompatible business or occupation.
- (f) Approve as to form all contracts made by and all bonds given to the City, endorsing such approval in writing.

[May 3, 1913, new sec. 102; rev. 1914, sec. 80; 1928 pub., sec. 80; 1942 recod., sec. 2-501; rev. Nov. 6, 1962; am. May 20, 1980.]

Section 2-602 Experts.

The Mayor and Council may each from time to time appoint consulting employees to perform technical or scientific services whose employment shall continue only so long as the particular occasion shall continue and who shall not be subject to the civil service rules of this Charter and of whom the qualifications elsewhere prescribed in this Charter shall not be required. [May 3, 1913, new sec. 105; rev. 1914, sec. 83; 1928 pub., sec. 83; 1942 recod., sec. 2-504; rev. Nov. 6, 1962.]

Section 2-603 Requirements for All Officials.

No person shall at any time hold more than one office yielding pecuniary compensation under this Charter or under the Mayor, Council or any departments of the City, unless such offices are part-time or the hours of work of one of such offices do not conflict with the hours of the other office and such employment in different offices is expressly authorized by ordinance. [Ch. 1903, sec. 128; rev. 1914, sec. 85; 1928 pub., sec. 85; 1942 recod., sec. 2-505; am. Nov. 2, 1954; rev. Nov. 6, 1962.]

Section 2-604 City Contracts, Interest In.

Any officer, agent or employee of the City who executes a contract with the City other than an employment contract, any grant, privilege or franchise from the City, who seeks to acquire any City property or interest therein, who seeks to transfer any property or interest therein to the City by sale, rental, lease or legal process of any kind for compensation from City funds, or who has a direct pecuniary interest in such contract, grant, privilege, franchise, or transfer sought by another, shall be disqualified from participating on behalf of the City in any negotiations and or proceedings relating thereto, and all such negotiations and proceedings shall be carried on by the person who would have acted in such officer's, agent's or employee's stead in his or her absence. Subject to statutory restrictions and limitations, such contracts, grants, privileges, franchises and transfers made in accordance with the foregoing provisions of this Section shall not be void by reason of such City position, but shall be voidable by the City for cause. If any officer, agent or employee of the City shall fail to disqualify himself or herself as aforesaid, the contract, grant, privilege, franchise or transfer shall be wholly void and unenforceable in the hands of any person other than a bona fide purchaser for value without notice, and the position of such officer, agent or employee shall immediately be forfeited and such position shall be vacant.

For the purpose of this Section, direct pecuniary interest in a contract, grant, privilege, franchise or transfer shall mean any interest in a partnership, any co-tenancy, a controlling or policy-determining ownership in or managerial control of an association, firm or corporation or its local office or agency, acting as a promoter of an association, firm or corporation, or any commission or brokerage arrangement with or receiving from the City such contract, grant, privilege, franchise or transfer.

Unless permitted by statute and notwithstanding the foregoing provisions of this Section, no Council member shall enter into any contract with the City, seek any grant, privilege or franchise from the City, acquire any City property or interest therein, or sell or transfer to the City without legal process any property or interest therein for compensation from City funds, or have any direct pecuniary interest in any such matters. No Council member shall have any direct ownership interest in any public utility subject to City regulation; however, this prohibition shall not apply to ownership in another association, firm or corporation which maintains varied investments, provided such other association, firm or corporation does not own a controlling interest in such public utility. If any Council member shall voluntarily acquire any direct pecuniary interest in any of such matters with the City while in office, such office shall at once become vacant. If the Council member shall become so interested otherwise than voluntarily, he or she shall within ninety (90) days divest himself or herself of such interest and upon failure to do so, his or her office shall become vacant upon the expiration of the said period of ninety (90) days. Any contract, grant, privilege, franchise or transfer made in violation of this paragraph shall be wholly void, and the City may recover property transferred by it or compensation paid by it and may retain any benefits received by it without right of recovery from it by quantum meruit action or otherwise. [Ch. 1903, sec. 135; rev. 1914, sec. 91; 1928 pub., sec. 91; 1942 recod., sec. 2-506; rev. Nov. 6, 1962.]

Section 2-605 Appointments.

All appointments of officers, deputies and clerks, to be made under any provision of this Charter, must be made in writing and authenticated by the person or persons, board or officer, making the

same. Any such writing must be filed with the Secretary of the Civil Service Board. [Ch. 1903, sec. 138; rev. 1914, sec. 93; 1928 pub., sec. 93; 1942 recod., sec. 2-507; rev. Nov. 6, 1962; am. May 20, 1986.]

Section 2-606 Salaries. The compensation provided by the City to all officers and employees shall be in full compensation for all services rendered to the City, and excepting such compensation, or except as specifically authorized by the Council, every officer shall pay all moneys coming into his or her hands as such officer, no matter from what source derived or received into the treasury of the City within twenty-four (24) hours after receipt of the same. In the event an officer or employee collects damages from a third person for time lost from such officer's or employee's City service, such officer or employee shall pay to the City Treasurer the money so collected or the total amount paid to such officer or employee by the City or City pension and disability Fund for such time lost, whichever is the lesser. [Ch. 1903, sec. 139; rev. 1914, sec. 94; 1928 pub., sec. 94; 1942 recod., sec. 2-508; rev. Nov. 6, 1962.]

Section 2-607 Bidders, Favoring of.

Any officer of the City or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and may be required to reimburse the City for its damages. [Ch. 1903, sec. 140; rev. 1914, sec. 95; 1928 pub., sec. 95; 1942 recod., sec. 2-509; rev. Nov. 6, 1962.]

Section 2-608 City Business, Time Devoted to.

All officers and employees receiving pay from this City for full time work shall devote their time during business or duty hours to the interest of the City, except when excused as in this Charter provided. [Ch. 1903, sec. 142; am. May 3, 1913, sec. 94; rev. 1914, sec. 96; 1928 pub., sec. 96; 1942 recod., sec. 2-510; rev. Nov. 6, 1962.]

Section 2-609 Residence of Officials and Employees.

All elected officials receiving salary or wages from the City shall qualify as elsewhere in this Charter provided, and shall be residents of the City at the time of their election and continuously thereafter while they hold office. The Council may require by ordinance that appointed officers and employees who begin City employment after the effective date of the ordinance be or become City residents. Violation of a residence requirement enacted pursuant to this Section shall be cause for demotion, suspension, or termination of an officer or employee, if so provided by Council. The Council may provide by ordinance that applicants for appointment or promotion in the classified service of the City be given preference for appointment or promotion if they are residents of the City at the time of application. [New sec. Nov. 2, 1954; am. May 20, 1960; am. Nov. 2, 1982; am. March 29, 1983; am. May 17, 1988.]

CHAPTER 15, PORTLAND DEVELOPMENT COMMISSION

CHAPTER 15

PORTLAND DEVELOPMENT COMMISSION (Revised)

Article 1 Administration, Powers and Duties

Section 15-101 Agency.

There exists an agency of the City of Portland known as the Portland Development Commission (Agency).

Section 15-102 Portland Development Commission.

The Agency shall be administered by a Portland Development Commission consisting of five (5) members who shall be appointed by the Mayor, subject to approval by the Council. Appointment shall be made for a three (3) year term. A vacancy shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the Mayor. Successors shall be appointed by the Mayor, subject to Council approval, for the unexpired term of any such vacancy. Removal may be made for cause by the City Council. Commission members shall serve without salary or compensation of any nature. The Commission shall make provision for regular meetings at fixed times and may adopt bylaws, rules and regulations to govern its own procedures. The Commission may delegate to one or more of its members as a special board or boards, such duties and responsibilities as it may deem proper, subject to the administrative provisions contained in this Chapter.

Section 15-103 General Powers and Duties.

The Commission shall implement the vision and goals of the City as adopted by City Council relating to urban renewal, economic development and affordable housing. The Commission shall advance social equity in carrying out all of its duties and shall involve the constituencies of the City to create, maintain and promote a diverse, sustainable community in which economic prosperity, quality housing and employment opportunities are made available to all residents.

The Commission shall be and serve as the Urban Renewal and Redevelopment Agency of the City of Portland, pursuant to ORS Chapter 457, as amended. In carrying out its urban renewal duties, the Commission shall have all the powers and authority to perform any act or carry out any function authorized or permitted by ORS Chapter 457, as now provided or hereafter amended, subject to the authority of the City Council to approve Urban Renewal Plans and substantial amendment to Urban Renewal Plans and to the other powers of the City Council provided in ORS chapter 457, and the Portland Development Commission shall serve as the local public agency and shall perform all the functions prescribed therefore in Title 42 U.S. Code, relating to slum clearance, urban renewal and urban development and redevelopment within the City boundaries, or in an area within five miles from the City boundaries. In connection therewith, the Commission shall have authority to enter into agreements with any other public body or any department or bureau of the City and enter into any other contracts to carry out its urban renewal and redevelopment functions. The Commission may impose conditions or

restrictions by deed or lease upon the use of land or property within an urban renewal area. The work of carrying out an urban renewal plan or redevelopment plan shall be deemed a public project.

In carrying out its economic development duties, the Commission shall, among other things, promote business and industrial recruitment, expansion and location within or near the City, and in connection therewith may acquire, improve, lease or exchange property, real or personal, or interest therein, to the extent permitted by law. Except as otherwise directed by the Council, the Commission shall perform the duties of the Council set forth in Section 2-126, except for appropriations and expenditures from the General Fund for advertising the advantages of the City, which power shall be exercised only by the Council.

In carrying out its affordable housing duties, the Commission shall promote home ownership and the creation and retention of multifamily housing, and implement other housing policies that may be adopted by the Council, through acquisition of property, real or personal, or interest therein, through financial and technical assistance to private and nonprofit housing developments and organizations, renters, homeowners and homebuyers, or through any other mechanism authorized by the Council.

Section 15-104 Administrative Powers and Procedures.

The Commission shall have power for and on behalf of the City to perform the following acts, and the following administrative procedures shall be followed:

1. The Commission shall have authority to make orders, rules and regulations in the form of resolutions to carry out the authority granted the Commission in this Chapter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City of Portland. All such resolutions of the Commission (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City of Portland. All such resolutions shall require an affirmative vote of three (3) members of the Commission and shall take effect thirty (30) days after adoption by the Commission unless some other date is fixed in such resolution. If a date earlier than thirty (30) days from adoption is so fixed as the effective date, such resolution must receive the affirmative vote of at least four (4) members and all of the members present at the time of adoption. All actions undertaken by the Commission must conform to the State Government Standards and Practices Statute as set forth in Oregon Revised Statutes as it may be amended.

2. The Commission shall have authority to appoint, employ and discharge such officers, employees and agents as the Commission finds necessary or convenient for the efficient and economical performance of its duties, and to fix and provide for their compensation. The Commission shall administer a merit based personnel system that provides all persons with a fair and equal opportunity for public service; establishes conditions of service which will attract and retain officers and employees of good character, technical knowledge, skill and ability; and improves the efficiency and economy of the Commission by the improvement of methods of personnel administration; The personnel system shall include the opportunity for employee appeals to be resolved by an impartial and objective officer or panel, and be in accordance with any other public policy goals as provided in Chapter 4 of this Charter.

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

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

5. The Commission shall have authority to incur expenses for administration and such maintenance, construction, reconstruction, alteration, rehabilitation, replacement, repair or purchase or other mode of acquisition or rental of equipment, property or facilities as the Commission may find necessary or convenient. All property acquired shall be acquired in the name of the City of Portland. The Commission may purchase material and supplies and make such other disbursements and incur such other expenses as the Commission finds necessary or appropriate to carry out the purposes set forth in this Chapter. The Commission shall control and manage and may lease in the name of the City, to the extent permitted by Oregon Revised Statutes, all properties placed under its administration by the City Council for development and redevelopment purposes, and may improve any property which it acquires or controls to make it available or suitable for such purposes.

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

7. All moneys received by the Commission will be deposited with the Treasurer of the City of Portland, and shall be maintained in distinct funds and deposited in the name of the City of Portland for the use of the Commission. All moneys received in connection with an urban renewal plan or property acquired in connection therewith shall be maintained in a separate and distinct fund or funds to be known as the Urban Redevelopment Fund(s). The Commission shall also have authority to establish reserve funds, special funds or sinking funds for the payment of indebtedness, obligations or interest thereon as may be permitted by law. The Commission may transfer money from its General Fund to its special or reserve funds and may transfer surplus of money to its General Fund, and may transfer surplus money to the General Fund of the City. Disbursements shall be made from the City Treasurer accounts on checks signed by the Chairperson or designee and the Secretary or designee. The Commission may maintain a separate bank account for meeting salaries, wages and current miscellaneous expenses. Such account shall be designated as a revolving fund and may be drawn upon for such purposes by officials designated by the Commission.

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

9. The Commission shall provide for an annual comprehensive independent audit of all funds and accounts of the Commission by a qualified Certified Public Accountant or firm of such accountants selected with the approval of the City Auditor. The Commission and its operations shall be subject to performance audits by the City Auditor on a schedule determined by the Auditor. The Commission shall bear the cost of the performance audits and the yearly financial audit. Copies of each audit report shall be furnished to the City Council for its review and filed with the City Auditor, and a copy of each financial audit shall be sent to the Tax Supervising and Conservation Commission.

Section 15-105 Budget and Reports.

The Commission shall annually prepare and adopt a budget that incorporates the City goals adopted by the City Council. The budget shall be prepared and adopted in accordance with state law and submitted to the Council in conjunction and in conformity with the City's budget process, for inclusion as a part of the total City budget. As soon as possible after the close of each fiscal year, the Commission shall prepare and present a comprehensive annual report to the City Council that evaluates the activities of the Commission with respect to the City's adopted vision and goals.

Section 15-106 Issuance of Revenue Bonds.

Upon the request of the Commission, the Council may from time to time issue revenue bonds, certificates or debentures, to be repaid, to the extent permitted or to be permitted by law, solely out of: revenues from an urban renewal and redevelopment; or from the sales of property involved in an urban renewal and redevelopment ; or from tax revenues attributable to improvements existing or subsequently constructed on property in an urban renewal and redevelopment project, or tax revenues exceeding a specified level within such project, to the extent that such is permitted by law; or any combination of such methods of repayment, and to that end the Commission, with the concurrence of the Council, may, to the extent permitted or to be permitted by law, pledge such tax revenues or other revenues as hereinbefore mentioned. Such bonds or other evidences of indebtedness shall be issued by the Council in accordance with the procedures established by law and as the Council may prescribe by ordinance, and shall bear the facsimile signatures of the Mayor and Auditor and be known as "Urban Renewal and Redevelopment Bonds, Series "

CHAPTER 4, CIVIL SERVICE

CHAPTER 4

CIVIL SERVICE

Article 1 - Merit Principle

All appointments and promotions to positions in the classified service shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other objective evidence of competence. Such appointments and promotions shall provide fair and equal opportunity without regard to race, religion, gender, marital and family status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, and such other criteria as determined by the City Council by ordinance. The goal of the merit system is a workforce that reflects the aspirations and values of the City it serves.

Article 2 - Merit System

Consistent with all applicable federal and state laws, the City Council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies and rules necessary for effective administration of the employees of the City's offices, bureaus, and agencies, including but not limited to classification and pay plans, recruitment, examinations, disciplinary actions, types of appointments, relationships with employee organizations, and appeals and hearings. Such ordinances shall be consistent with the merit principles in Article 1.

Article 3 - Classified Service

The classified service in the City shall consist of all positions in the government of the City except all officers chosen by popular election or by appointment by the City Council, all administrative staff of each City Council Member, the Chief Deputy City Auditor, the deputies of the City Attorney, members of all boards and commissions, all bureau directors hired after December 31, 2000 and at the recommendation of the person responsible for administration of personnel issues, and approval of Council by ordinance, employees in a classification with a major role in the formulation of policy that requires the exercise of independent judgment and are hired after the effective date of approval of ordinance by Council.

The Mayor shall appoint and may remove the Chief of Police.

Article 4 - Civil Service Board

There shall be a Civil Service Board consisting of three members appointed by the Mayor and confirmed by Council. The appointments shall ensure that the perspectives of labor, management and the general public are reflected. Members of the board shall act impartially. The Mayor may remove any Civil Service Commissioner at any time and shall within five days of the removal notify Council of the reasons for dismissal. The term of office of each member of the Board shall be 3 years with the term of one Board member expiring every year. Board members

may be reappointed for up to two additional terms. Each member of the board shall be a resident of the City.

4.1 - The Duties of the Board

The Board shall:

1. Review Classification actions alleged by the employee in the classified service to have been made without rational basis, contrary to law or rule or taken for political reason(s) and as necessary, remand back to the person responsible for the administration of personnel issues for further review and action.
2. Review suspension, demotion or discharge of permanent employees in the classified service when employee alleges the discipline was not for cause. If the employee's allegations are found to be correct, reinstatement may be ordered under terms and conditions as may be deemed appropriate by the Board.
3. Review appeals of candidates for appointment or promotion to positions within the classified service when the applicant alleges that rules promulgated under this Chapter were not followed, were contrary to law or made for political reasons. If the Board finds the allegation to be correct it shall order such actions necessary to fulfill the purpose and principles of this Chapter.
4. An appeal to Board of any of the actions listed in this subsection must be filed with the Board, in writing, within 21 days of the action or decision being appealed.
5. On at least an annual basis, the Board shall review any administrative rules and policies being considered or adopted by City Council concerning the duties of the Board as listed in this section, and provide input to City Council and the person responsible for the administration of personnel issues.
6. The Board shall meet at least quarterly and shall report annually to City Council on its activities for the prior year.

4.2 - Judicial Review

The final decision of the Board or any appeal to the Board shall be subject to review by a court of competent jurisdiction in the manner provided by statute for review of quasi-judicial decisions of lower tribunals.

Article 5- Right to Bargain Collectively

The right of City employees to bargain collectively, through representatives of their own choosing, shall not be abrogated by the City, provided that no provision of a collective bargaining agreement shall abrogate the provisions of this Charter.

Note: All current existing Civil Service Rules contained in the existing Charter and HR Administrative Rules will remain in force until such time as the City Council adopts changes by ordinance.

CHAPTER 13, PERIODIC CHARTER REVIEW

CHAPTER 13

PERIODIC CHARTER REVIEW

Chapter 13 Charter Revision and Interpretation

Article 3 Provide for Periodic Charter Review (New)

From time to time, but no less frequently than every six years, the Council shall convene a charter review commission ("Charter Commission") to review and recommend amendments to this Charter, provided, however, that the first such Charter Commission shall be convened no later than two (2) years after the effective date of this Article. The Charter Commission shall be reflective of the City as a whole, and shall be comprised of no less than [10] and no more than [20] residents of the City appointed by the Mayor with the confirmation of Council. The Charter Commission shall determine its own rules of procedure. No member of the Charter Commission shall serve as an elective officer of the City during his or her service on the Charter Commission. The Mayor or Council may request that the Charter Commission review specific sections of the Charter, but the work and recommendations of the Charter Commission shall not be limited to such specific sections. The Commission shall provide a written report of its findings to City Council.

All Charter amendments proposed by the Charter Commission shall be submitted to the people of the City of Portland at the next primary or general Election that is at least 120 days after the date the recommendations are presented to the City Council.

OUTSTANDING ISSUES FOR COUNCIL CONSIDERATION

Additional Charter Review Considerations Identified by this Commission

- Update existing charter to the format of the Model Charter of the National Civic League.
- Preamble.
- Election by districts.
- Size of Council.
- Community governance.
- Alternative voting methods.

Outside Requests for Future Charter Considerations

- Include Office of the Ombudsman into City Charter.
- Include Role of Planning Commission into City Charter.
- Include Office of Independent Police Review into City Charter.

Non-Charter Related Issues Identified During Commission's Tenure

- Increase and improve communication with minority and underserved populations on economic development, housing, urban renewal and hiring practices.
- Increase opportunities for minority media outlets to share in City's advertisement arrangements.
- Improve hiring practices and increase benefits for temporary or seasonal workers.

PUBLIC OUTREACH MEETINGS

The following is a list of groups that the Charter Review Commission met with one or more times before finalizing its recommendations:

Neighborhood Organizations

Central Northeast Neighbors
East Portland Neighborhood Office
Neighbors West/Northwest
Northeast Coalition of Neighbors
North Portland Services
Southeast Uplift
Southwest Neighborhoods, Inc.

Business Organizations

Portland Business Alliance; Central City and Government Relations committees
Small Business Advisory Committee

Community Organizations

Catholic Charities/Nonprofit Directors
Elders in Action
Jewish Federation of Portland/American Jewish Committee
League of Women Voters
Minority Media (The Asian Reporter, El Hispanic News, Just Out, The Scanner)
visionPDX Grantees
Youth Forum/Portland State University students

City of Portland Employees

Bargaining Unit Representatives
Brown Bag Lunch with Employees
Bureau Directors

Community Conferences

Neighborhood Leaders Conference
Portland State University Community Forum