

CHARTER OF THE CITY OF PORTLAND, OREGON

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CHAPTER 15

PORTLAND DEVELOPMENT COMMISSION

**ARTICLE 1. ADMINISTRATION, POWERS AND DUTIES.**

**Section 15-101. ~~Creation of Department Agency.~~** There ~~hereby is created a department~~ exists an agency of the City of Portland known as the ~~Department of~~ Portland Development Commission (Agency). ~~and Civic Promotion.~~

**Section 15-102. Portland Development Commission.** The ~~Department of Development and Civic Promotion~~ Agency shall be administered by a Portland Development Commission consisting of five (5) members who shall be appointed and may be removed by the Mayor, subject to approval by the Council. ~~Within sixty (60) days after the adoption of this Chapter, the Mayor shall appoint five (5) persons as members of said Portland Development Commission. One (1) of such members shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter, regular appointments~~ Appointment shall be made for a three (3) year term. A vacancy shall occur ~~from~~ upon the death, resignation ~~or,~~ removal, inability to serve ~~of any member,~~ or failure ~~of a member~~ 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. Commission members shall serve without salary or compensation of any nature. ~~Within ten (10) days after all members of the Commission initially appointed have accepted such appointment, the Commission shall meet under the direction of the Mayor and organize by the election of a Chairperson and Secretary from their number.~~ 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 ~~Portland Development~~ 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, ~~and.~~ In carrying out its urban renewal duties, the Commission shall have all the powers and perform all the duties of the City's urban renewal agency under ORS Chapter 457, as amended, 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 in within the City boundaries, or in an area within a five-mile radius miles from the City boundaries. ~~Said Commission shall automatically by its formation, assume all duties and obligations of the Housing Authority of Portland, Oregon, relative to urban renewal and redevelopment, upon the relinquishment by the housing authority of Portland, Oregon, of such duties and transfer of any funds obligated thereto. The Commission may make and continue preliminary studies; formulate urban renewal and redevelopment plans; and carry out such work or undertaking; acquire by purchase, condemnation or otherwise, real property or interests therein and personal property within an urban renewal area, or where the acquisition is necessary to carry out a redevelopment plan, for the purpose of removing, preventing or reducing blight or blighting factors or the causes of blight; prepare and develop the property; clear areas acquired; install, construct or reconstruct structures, facilities and site improvements found essential or appropriate to the preparation of sites for uses in accordance with the redevelopment plan; make disposition, including the sale or lease, of land for terms not exceeding ninety-nine (99) years, within an urban renewal area or otherwise, for uses in accordance with the redevelopment plan, without auction or advertising for bids; carry out any rehabilitation or conservation work in an urban renewal area; demolish, remove or rehabilitate buildings and improvements; assist in relocating persons living on property situated in the urban renewal area, and make relocation plans pursuant to the restrictions of federal law; dispose of personal property acquired without auction or advertising for bids; or any combination of such activities. The Commission shall also have authority to accept gifts, gratuities, federal grants-in-aid, advances or other moneys, and to negotiate loans and advances. The Commission shall also have authority to perform any other act or carry out any other function authorized or permitted by ORS Chapter 457, as now provided or hereafter amended. In connection therewith, the Commission shall have authority to enter into agreements with any other public body or any other department or bureau of the City of Portland 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 and any such urban renewal or redevelopment plan shall be deemed a public project.~~

~~The Portland~~In carrying out its economic development duties, the Commission shall, in addition among other things, promote business and industrial recruitment, expansion and location within or near the City, and in connection therewith may acquire such, improve, lease or exchange property, real or personal, or interest therein, ~~inside or outside the City, as the Commission and the Council may find appropriate or convenient in accordance with comprehensive zoning and development plans, if such plans are available, and in compliance with zoning laws and regulations, may carry out the purposes of this Charter for lease of property not presently needed for municipal purposes to new industries, and may make recommendations to the City Council thereon, and on the exchange of property for other property which is suitable for leasing, and may promote industrial growth and assist in securing additional business within or near the City, and other matters provided for in Section 2-126 of~~

~~this Charter; and in relation thereto shall take over and perform the duties of the City Council to the extent permitted by law. Except as otherwise directed, the Commission shall perform the duties 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 City Council. The Commission shall control and manage and may lease in the name of the City to the extent permitted by Oregon Revised Statutes, Chapter 271, all properties placed under its administration by the City Council for industrial purposes and may improve any property which it acquires or controls to make it available or suitable for industrial sites.~~

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 ~~said~~the City ~~of Portland~~ to perform the following acts, and the following administrative procedures shall be followed:

1. The Commission shall have authority to make orders, rules and regulations in the form of resolutions to carry out the authority granted the Commission in this Chapter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City ~~of Portland~~, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public ~~and the same~~ and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City of Portland. All such resolutions of the Commission (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City of Portland. All such resolutions shall require an affirmative vote of three (3) members of the Commission and shall take effect thirty (30) days after adoption by the Commission unless some other date ~~be is~~ fixed in such resolution. If a date earlier than thirty (30) days from adoption ~~be 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. ~~No Commissioner and no official or employee of the Commission shall take part in negotiations or proceedings, nor shall any Commissioner vote upon any matter in which such Commissioner is interested in a personal rather than official capacity, as a promoter, stockholder, shareholder or owner, or on any contract or order connected therewith.~~

2. The Commission shall have authority to appoint, employ and discharge such officers, employees and agents, ~~including but not limited to clerical staff, experts, appraisers, accountants and other technicians, and craftspersons and laborers,~~ as the Commission finds necessary or convenient for the efficient and economical performance of its duties, and to fix and provide for their compensation. ~~Permanent~~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 ~~the Commission shall be subject to the Civil Service provisions of this Charter and shall be appointed or removed by the Commission or person designated by the Commission in accordance with such provisions with the following exceptions: the Commissioners, a Director, the Director's secretary, an Assistant Director and all consulting or technical employees. All offices and positions in the permanent service of the Commission shall be provided for by resolution, a copy of which shall be sent to the Civil Service Board. Resolutions establishing positions within the Civil Service provisions of this Chapter shall be transmitted to the Civil Service Board for classification in like manner as other positions in the service of the City.~~
3. The Commission may obtain the advice, 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 ~~City~~ 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 ~~City~~-Council may make loans to the Commission from any available City fund.
7. ~~The Commission shall pay~~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, ~~to the Treasurer of the City of Portland who shall maintain~~ shall be maintained in a separate and distinct fund or funds to be known as the Urban Redevelopment Fund, ~~in which all such moneys shall be deposited in the name of the City of Portland for the use and expenditure of the Commission. The Commission shall pay all money received in connection with civic promotion to the City Treasurer who shall keep the same in a separate fund to be known as the Civic Promotion Fund(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 ~~by~~from the City Treasurer accounts on ~~warrants~~checks signed by the Chairperson or ~~designated member of the Commission~~designee and the Secretary or ~~acting secretary or the Commission, pursuant to powers granted in this Chapter, after designation of signatory authority by resolution of the Commission. However,~~designee. The Commission may maintain a separate bank account ~~not exceeding a balance of twenty five thousand dollars (\$25,000) in addition to current payroll,~~ for meeting salaries, wages and current miscellaneous expenses. Such account shall be designated as a revolving fund and may be drawn upon for such purposes by officials designated by the Commission. ~~An accounting with reference to such account shall be filed monthly with the City officer responsible for accounting.~~
- ~~8. Such officers and employees of the Commission as the City Council shall direct shall give bond in such amount and type with such security as may be approved by the City Council, which bond shall be filed with the City Auditor and premiums thereon paid from commission funds.~~
- 9.8. 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.

- 10-9.** The Commission shall provide for ~~a~~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 ~~Council.~~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 ~~shall be at the expense of the Commission.~~ Copies of ~~the~~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. ~~Report and Budget Estimates and Reports.~~** The Commission shall annually prepare ~~a budget~~and adopt a budget that incorporates the City goals adopted by the City Council. The budget shall be prepared and adopted in accordance with ~~the local budget law and submit it to the City Council at least fifty (50) days prior to the beginning of the ensuing fiscal year~~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. If authorized by state law, the City Council shall be the budget committee for the Commission and shall have the duties and responsibilities of a budget committee as provided in state law. In exercising its responsibilities as a budget committee, however, the primary goal of the City Council shall be to assure that the budget is aligned with the City's adopted policy goals and priorities. 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 for that year. ~~Such report shall include a full report of receipts and expenditures for the year, including a comparison with budget estimates. Financial statements showing the financial condition of each fund, analysis, cash, surplus of each fund and a statement of indebtedness, if any, and such statistical information regarding finances and obligations as will clarify the financial condition and results of operation, shall be included in such report.~~

**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 civic promotion project~~; or from the sales of property involved in an urban renewal and redevelopment ~~or civic promotion project~~; 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 . . . . ."

~~**Section 15-107. Continuing Special Tax Levy.** In order to provide funds for the expenses of the Commission and the purposes set forth in this Chapter, the City hereby is authorized, subject to the condition hereinafter stated, to levy a tax of two-thirds of one mill on each dollar of assessed valuation on property not tax exempt within the City of Portland, or four hundred thousand dollars (\$400,000), whichever is the lesser, for each of five (5) successive years beginning with the fiscal year 1958-59, provided, however, that if in any year less than such amount is levied or no levy is made, the City may and hereby is authorized to make such levy or carried-over portion thereof in any year within ten (10) successive years beginning with the 1958-59 fiscal year, but such levy shall not in any one year exceed two-thirds of one mill on each dollar of assessed valuation as hereinbefore mentioned, or four hundred thousand dollars (\$400,000), whichever is the lesser, nor shall the total amount levied under this section exceed two million dollars (\$2,000,000). No special tax levy may be made in any year unless the City Council and the Commission both determine prior to such levy for such year that the expenditures budgeted by the Commission for the succeeding fiscal year or portion thereof, proposed to be financed by tax levy, cannot feasibly or adequately be financed by means of revenue bonds as authorized elsewhere in this Chapter, such levy shall be in addition to and shall not be counted in the tax limitations prescribed in this Constitution of Oregon.~~

**Section 15-107. Effective Date.** These amendments shall take effect on July 1, 2007.