Exhibit A –
Propose Measures for Charter Amendments
at the May 2012 Primary Election

Recommended Charter Amendments of the Charter Commission Housekeeping Committee

November 17, 2011

(as corrected to remove scrivener's error)

Table of Contents

Amend Charter Section 1-106 1

Amend Section 2-105(a)(14) 3

Delete Charter Section 2-105(a)(50) 12

Delete Charter Section 2-105(a)(51) 21

Delete Charter Section 2-105(a)(54) 30

Amend Section 2-108 39

Amend Charter Section 2-206(b) 41

Amend Section 13-301 45

Delete Chapter 14 47

SUMMARY OF FIRST PROPOSED AMENDMENT

Amend Charter Section 1-106 by deleting the phrase "~~to the City Attorney~~"

The Housekeeping Committee of the Charter Commission recommends an amendment to Section 1-106 to make the Charter consistent with state law. The Oregon Tort Claims Act identifies who may receive tort claim notices for the City, including the City Attorney and other City officials. For consistency with state law, this amendment removes a requirement that service be made on the City Attorney.

TEXT OF FIRST PROPOSED AMENDMENT

Amend Charter Section 1-106 as follows:

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

SUMMARY OF SECOND PROPOSED AMENDMENT

Amend Section 2-105(a)(14): To appropriate annually to the Mayor two thousand dollars ($2,000) as and for a discretionary ~~secret service~~ Fund~~, for which *the Mayor need furnish no vouchers*,~~ and such appropriation shall be made.

The Housekeeping Committee of the Charter Commission recommends amending Section 2-105(a)(14) to change the name of the fund from "secret service Fund" to discretionary Fund" and to delete language that allows the Mayor to make expenditures from the Fund (up to $2,000) without vouchers. This amendment would require that expenditures from this fund be accounted for in the same manner as other City expenditures.

TEXT OF SECOND PROPOSED AMENDMENT

Amend Charter Section 2-105(a)(14) as follows:

Section 2-105 Continuation of Specific Powers.

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted. [Ch. 1903, sec. 73; May 3, 1913, new sec. 34; rev. 1914, sec. 34; 1928 pub., sec. 34; 1942 recod., sec. 2-105; am. Nov. 6, 1962; Nov. 8, 1977, new sec. 65; am. Nov. 4, 1980.]

(a) Among such 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 discretionary ~~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 therefor, 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 therefor, 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.

SUMMARY OF THIRD PROPOSED AMENDMENT

Delete Charter Section 2-105(a)(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.~~

The Housekeeping Committee of the Charter Commission recommends deletion of Section 2-105(a)(50) because it is unenforceable. Prohibiting obscenity has been foreclosed by the Oregon Supreme Court's interpretation of Article I, Section 8 of the Oregon Constitution. Deletion of this section of the City's specific powers will not impair the City's general powers and authority to protect and provide support for the City's public health, safety and welfare.

TEXT OF THIRD PROPOSED AMENDMENT

Amend Charter Chapter 2, Article 1, by deleting Subsection 2-105(a)(50) and renumbering the subsections that follow:

Section 2-105 Continuation of Specific Powers.

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted.

(a) Among such 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 therefor, 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 therefor, 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.**~~ **50.** To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.

~~**52.**~~ **51.** To prohibit persons from roaming the streets at unseasonable hours.

~~**53.**~~ **52.** 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.**~~ **53.** To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

~~**55.**~~ **54.** 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.**~~ **55.** 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.**~~ **56.** 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.**~~ **57.** 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.**~~ **58.** To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.

~~**60.**~~ **59.** 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.**~~ **60.** 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.**~~ **61.** 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.**~~ **62.** 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.**~~ **63.** 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.**~~ **64.** 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.

SUMMARY OF FOURTH PROPOSED AMENDMENT

Delete Charter Section 2-105(a)(51): ~~To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.~~

The Housekeeping Committee of the Charter Commission proposes deletion of Section 2-105(a)(51) of the Charter because the section contains outdated and unenforceable terms. The City does not have legal authority to punish or restrain or to require employment of vagrants and paupers. Deletion of this section of the City's specific powers will not impair the City's general powers and authority to protect and provide support for the City's public health, safety and welfare.

TEXT OF FOURTH PROPOSED AMENDMENT

Amend Charter Chapter 2, Article 1, by deleting Subsection 2-105(a)(51) and renumbering the subsections that follow:

Section 2-105 Continuation of Specific Powers.

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted.

(a) Among such 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 therefor, 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 therefor, 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.**~~ **51.** To prohibit persons from roaming the streets at unseasonable hours.

~~**53.**~~ **52.** 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.**~~ **53.** To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

~~**55.**~~ **54.** 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.**~~ **55.** 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.**~~ **56.** 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.**~~ **57.** 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.**~~ **58.** To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.

~~**60.**~~ **59.** 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.**~~ **60.** 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.**~~ **61.** 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.**~~ **62.** 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.**~~ **63.** 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.**~~ **64.** 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.

SUMMARY OF FIFTH PROPOSED AMENDMENT

Delete Charter Section 2-105(a)(54): ~~To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.~~

The Housekeeping Committee of the Charter Commission recommends deletion of Section 2-105(a)(54) because the section includes outdated, offensive and unenforceable terms. Deletion of this section of the City's specific powers will not impair the City's general powers and authority to protect and provide support for the City's public health, safety and welfare.

TEXT OF FIFTH PROPOSED AMENDMENT

Amend Charter Chapter 2, Article 1, by deleting Subsection 2-105(a)(54) and renumbering the subsections that follow:

Section 2-105 Continuation of Specific Powers.

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted.

(a) Among such 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 therefor, 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 therefor, 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.**~~ **54.** 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.**~~ **55.** 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.**~~ **56.** 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.**~~ **57.** 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.**~~ **58.** To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.

~~**60.**~~ **59.** 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.**~~ **60.** 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.**~~ **61.** 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.**~~ **62.** 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.**~~ **63.** 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.**~~ **64.** 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.

SUMMARY OF SIXTH PROPOSED AMENDMENT

Amend Section 2-108 – 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 Commissioner.

The Housekeeping Committee of the Charter Commission recommends amending Section 2-108 by deleting language that allows the Council to make expenditures from the Emergency Fund (up to $5,000) without vouchers. This amendment would require that expenditures from this fund be accounted for in the same manner as other City expenditures.

TEXT OF SIXTH PROPOSED AMENDMENT

Amend Charter Section 2-108 as follows:

Section 2-108 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 Commissioner.

SUMMARY OF SEVENTH PROPOSED AMENDMENT

Amend Charter Section 2-206(b) to change the word "~~but~~" to "or."

The Housekeeping Committee of the Charter Commission recommends amending Section 2-206 of the Charter which specifies the elections process and timing for filling vacancies in elective City offices. The intent of Section 2-206 is to ensure that there is an election procedure to fill vacancies that may occur at any time during an elected official's four year term. Each of the three subsections - (b), (c) and (d) - is intended to apply to different periods of time during the four year term. While the wording of Subsection (b) is ambiguous, the City has interpreted Subsection (b) to apply to the periods of time not covered by Subsections (c) and (d). However, the City is concerned that Subsection (b) could be interpreted to apply only if a vacancy occurs both more than 100 days before the primary election in the fourth year of the term but also less than seventy-one days before the general election in the fourth year even though these two time periods do not overlap, rendering Subsection (b) meaningless. Changing a single word "but" to "or" in Subsection (b) would clarify its meaning consistent with intent and would ensure that vacancies occurring during the first three years of an elected official's term are covered by the Charter.

TEXT OF SEVENTH PROPOSED AMENDMENT

Amend Charter Title 2, Article 2, by amending Section 2-206(b) as follows:

Section 2-206 Vacancies in Office, Filling of Vacancies.

(a) A vacancy in office shall exist when the Mayor, a Commissioner 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) If a vacancy occurs in an office elective under this Charter more than one hundred (100) days preceding the regular primary election to be held in the fourth year of the term of that office, <u>or</u> ~~but~~ less than seventy-one (71) days preceding the regular general election to be held in that year, the Council, by a single resolution, shall call for two (2) special elections not more than forty-five (45) days apart. The first special election will be for the purpose of nomination. It shall be held not more than ninety (90) days after the vacancy occurs, unless the Council finds reasonable cause for delay beyond ninety (90) days. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the second special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the first special election will be elected to fill the unexpired term in the second special election.

(c) If a vacancy occurs in an office elective under this Charter less than one hundred and one (101) days and more than seventy (70) days preceding the regular primary election to be held in the fourth year of the term of that office, the Council shall call for a special election to be held not more than forty-five (45) days following the regular primary election. The regular primary election will be for the purpose of nomination to fill the unexpired term and nomination of candidates for the next four-year term of the office to be voted upon in the regular general election. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the regular primary election will be elected to fill the unexpired term in the special election.

(d) If a vacancy occurs in an office elective under this Charter less than seventy-one (71) days preceding the regular primary election, but more than seventy (70) days preceding the regular general election, to be held in the fourth year of the term of that office, and the incumbent vacating the office:

> **(1)** Was one of two or more candidates for the same office in the regular primary election, then if an opposing candidate was nominated by a majority of votes cast

in that primary, that candidate will be deemed elected to fill the vacated office until the regular general election and the candidate elected at the regular general election will fill the balance of the unexpired term. If no candidate opposing the incumbent was nominated by a majority of votes cast in that primary, the Council shall call for a special primary election as provided in paragraph (2) of this subsection.

(2) Was an unopposed candidate for the same office in the regular primary election, then the Council shall call for a special primary election. If the special primary election is held less than one hundred and one (101) days preceding the regular general election and no candidate is nominated by a majority of votes cast, the candidate elected in the regular election will fill the balance of the unexpired term. If the special primary election is held less than one hundred and one (101) days preceding the regular general election and a candidate is nominated by a majority of votes cast, that candidate will be deemed elected to fill the balance of the unexpired term. If the special primary election is held more than one hundred (100) days preceding the regular general election and a candidate is nominated by a majority of votes cast, that candidate will be deemed elected to fill the balance of the unexpired term.

(3) Was not a candidate for the same office in the regular primary election, then if a candidate is nominated by a majority of votes cast in that primary, that candidate will be deemed elected to fill the balance of the unexpired term. If no candidate is nominated by a majority of votes cast, the Council shall call for a special election in which the candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.
Any election required by this subsection, between two nominees who received the highest number of votes cast in a prior election, shall be held not more than forty-five (45) days after the prior election.

(e) A person holding an office elective under this Charter may file with the Auditor a written notice of intent to resign from office on a specific future date of the occurrence of a specific event within the unexpired term of the office. The Council then may by resolution schedule and hold the special election or elections, as provided in subsections (b) through (d) of this Section, although no vacancy has occurred. However, no candidate elected to fill an unexpired term under this subsection may take and assume the duties of the office unless and until the vacancy occurs.

(f) If a vacancy occurs in the Office of the Auditor, the Council may fill the office by appointment pending election as provided therein.

(g) In the event of the death or crippling disability preventing the performance of three (3) or more members of the City Council due to natural disaster, calamity, accident or enemy attack, the following City officials in the order named shall succeed to the vacancies on the City Council: City Auditor, City Attorney, Director of Office of Fiscal Administration, executive assistants of disabled Council members in the order of their

seniority as an executive assistant. Any individual serving under this Section shall have all qualifications required in this Charter for an elected official. The City Council thus constituted shall serve as an interim Council for the purpose of transacting necessary City business. The interim Council so constituted shall as soon as practical select from among qualified citizens of the City of Portland, as defined by Section 2-202 of this Charter, persons to serve as members of the City Council. The persons so selected shall serve until the next regular election. The City Council as thus constituted shall, if the regularly elected Mayor is not a member thereof, elect one of their number as Mayor. Members of the Council as thus constituted shall serve as City Commissioners by this Charter. The Council as constituted under authority of this subsection shall meet in the City Hall, if possible, but may meet at an alternate location which shall be designated in advance by the Council as an alternate site for the transaction of City business. In the event of martial law, the Council shall be organized as by this subsection provided, and it shall function to the extent possible under the order establishing martial law. The provisions of this subsection shall be supreme in the event it shall be employed, notwithstanding any other provisions of this Charter or ordinances of the City in conflict therewith.

SUMMARY OF EIGHTH PROPOSED AMENDMENT

Amend Section 13-301 to add term of office and vacancy provisions for Charter Commission appointments.

The Housekeeping Committee of the Charter Commission recommends amending Charter Section 13-301 to provide that the Council shall appoint Charter Commission members to a term of office of at least two years and may appoint members to additional terms or later Charter commissions. The Housekeeping Committee further recommends amending Charter Section 13-301 to define when a vacancy exists on the Charter Commission and how a vacancy will be filled.

TEXT OF EIGHTH PROPOSED AMENDMENT

Amend Charter Section 13-301 as follows:

Section 13-301 Charter Commission.

(a) From time to time, but no less frequently than every 10 years, the Council shall convene a Charter review commission ("Charter Commission") to review and recommend amendments to this Charter provided, however, that the first 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 in terms of its racial and ethnic diversity, age and geography. It shall be comprised of twenty (20) residents of the City. Each member of the Council shall nominate four (4) Charter Commission members who shall be subject to confirmation by the Council. The term of office of each member of the Charter Commission shall be no less than two years. The Council may reappoint members to additional terms of office or to subsequent Charter commissions. 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 the City Council.

(b) A vacancy exists on the Charter Commission upon a member's resignation, death, inability to serve or failure of a member without cause to attend three successive regular meetings. If there is a vacancy on the Charter Commission, the Council member who made the original nomination, or that member's successor in office, shall nominate a person to fill the unexpired term of office, subject to confirmation by Council.

SUMMARY OF NINTH PROPOSED AMENDMENT

Delete Chapter 14, Exposition-Recreation Commission

The Housekeeping Committee of the Charter Commission recommends deletion of Chapter 14 of the Charter, Exposition-Recreation Commission because the chapter is obsolete. The functions that were previously carried out by the City Exposition-Recreation Commission are now carried out by the Metropolitan Service District (Metro) through its Metropolitan Exposition and Recreation Commission under a 1989 agreement (as amended) among Portland and other government bodies. Any remaining rights or obligations of the former City Exposition-Recreation Commission vest in the City Council pursuant to the Charter and these agreements.

TEXT OF NINTH PROPOSED AMENDMENT

Delete Charter Chapter 14:

~~**Article 1 Administration, Powers and Bonds**~~

~~**Section 14-101 Creation of Department.**~~
~~There hereby is created a department in the City of Portland to be known as the Department of Exposition and Recreation.~~

~~**Section 14-102 Exposition - Recreation Commission.**~~
~~The Department of Exposition and Recreation shall be administered by an Exposition - Recreation Commission composed of five (5) members who shall be appointed by the Mayor, subject to the approval of the Council. Within thirty (30) days after the adoption of this Chapter, the Mayor shall appoint five (5) persons who are qualified voters of the City as members of the Exposition - Recreation Commission. One of such members shall be appointed for a one-year term; one for a two-year term; one for a three-year term; one for a four-year term; and one for a five-year term. Thereafter appointments shall be made for a five-year term. A vacancy shall occur from the death, resignation or inability to serve of any members or removal of a member by a majority vote of the Council. 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. The members shall serve without salary or compensation of any nature. Within ten (10) days after appointment the Commission shall meet and organize by the election of a chairperson and a secretary and by making provision for stated meetings and may adopt its own rules of procedure. [Rev. Nov. 2, 1976.]~~

~~**Section 14-103 Powers and Duties.**~~
~~The Exposition - Recreation Commission shall have power and authority and it shall be its duty for and on behalf of the City of Portland:~~

~~To construct, erect, equip, maintain and repair buildings and facilities for a multi-purpose coliseum stadium, playfield, exposition and exhibition center and war memorial, for conventions, expositions, sports events, concerts, shows of all kinds including livestock shows, automobile shows, housing shows and ice shows, patriotic, educational and fraternal meetings, and church conventions, and any other types of entertainment and recreational events, whether of exhibition or of participation character, that the Commission may find appropriate, including educational exhibits and park and recreational facilities, together with facilities for veterans' organizations as the Commission may find desirable or appropriate, and facilities connected therewith, including but not limited to parking area for use of the public for exhibitors and for the storage of supplies incidental to exhibitions, shows, etc., or for storage of maintenance equipment;~~

~~To acquire therefor the fee simple title to real property or interests therein by gift, grant, purchase, condemnation or otherwise as the Commission shall deem suitable for the site thereof; and to that end the Commission may acquire the fee simple title to real property for the purpose of exchange for other property which the Commission deems to be a suitable site or sites for such purposes; and to acquire by purchase, condemnation or otherwise such excess property adjacent to such site or sites selected as the Commission may find necessary or appropriate or convenient for the protection, improvement or access to the site or sites selected; to drain, fill and otherwise improve the site or sites and access property adjacent thereto as the Commission may find necessary or convenient, and to sell, lease for a term not exceeding ninety-nine (99) years, rent or otherwise dispose of such excess property for private industrial or commercial development;~~

~~To purchase and install equipment and facilities in or adjacent to the buildings or structures herein set forth and to purchase materials and supplies, and to maintain and repair any and all such equipment and facilities;~~

~~To provide such additional facilities for sports, recreation and entertainment purposes and for the convenience of persons using the same as the Commission may find suitable or necessary;~~

~~To operate said exposition and recreation center and facilities;~~

~~To lease such facilities for periodic exhibitions or shows for a term not exceeding twenty (20) years plus renewal option; to rent such facilities, or to provide such facilities without charge for civic or charitable events as the Commission may find appropriate and to fix the terms and conditions of such lease, rental or provision; to fix fees and charges relating to the use of said buildings, structures or facilities, and to make and enforce regulations concerning the same;~~

~~To employ professional and technical assistance including managerial and promotional services, special legal services, engineering, auditing, architect's preparation of plans and all other special assistance as the Commission may find necessary or convenient, and to employ clerical assistance and labor and fix the rates of compensation therefor;~~

~~To enter into contracts, incur obligations and do all other acts and things necessary or convenient to carry out the purposes of providing an exposition and recreation center as aforesaid;~~

~~To accept gifts and donations and to contract for and receive federal aid and assistance if available;~~

~~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 shall, upon their adoption, be transmitted to the Auditor of the City of Portland, who shall cause the same to be filed in a special record of such resolutions. All such resolutions of the Commission shall be accessible to the public under like terms as ordinances of the City of Portland.~~

~~Any resolution of the Commission shall be subject to amendment, repeal or alteration or enactment by the City Council. The Council shall provide by ordinance for a procedure for Council review of commission action.~~

~~All records, accounts and minutes of the Commission shall be public records and available for inspection at the same time as the public records of the City. [Rev. Nov. 2, 1976.]~~

~~Section 14-104 Exposition - Recreation Bonds.~~
~~[This Section deleted in the 1984 edition of the Charter. All bonds authorized under this Section have been issued and redeemed.]~~

~~Section 14-105 Fiscal Matters of Commission.~~
~~. The revenues of the Commission from rental or other agreements shall be paid into the Exposition - Recreation Fund provided in this Chapter which shall be in the custody of the City Treasurer, provided, however, that the Commission may maintain a bank account not to exceed an average monthly balance of fifteen thousand dollars ($15,000) at any one time to care for current operating expenses. The Commission may draw requisitions upon said Fund and the Mayor and Auditor hereby are authorized and directed to draw and deliver warrants upon the order of such requisitions. The Commission may transfer funds from the Exposition - Recreation Fund by requisition as before set forth and deposit the same in the separate bank account above mentioned. The Commission may also transfer funds from the Exposition - Recreation Fund to the General Fund of the City. The accounts of the Commission shall be kept in conformity with the accounting practices of the City of Portland and shall be audited yearly and the Commission shall comply with the budgetary requirements of the City. The Commission shall annually prepare a budget in accordance with the local budget law and submit it to the City Council prior to the beginning of the ensuing fiscal year for approval by the Council and inclusion as part of the total City budget. After adoption of the Commission's budget, transfers of appropriations may be made as permitted by law by the Council. [Rev. Nov. 2, 1976.]~~

~~Section 14-106 Use of City Facilities.~~
~~The Commission may obtain the advice, recommendation and assistance of any officer, board or commission of the City of Portland and when called upon the City Attorney and the City Attorney's staff shall render legal assistance and advice. Payments for such legal services or special services by the other departments, offices or officers of the City shall be made by the Commission. Purchases on a bid basis shall be made through the purchasing agent of the City but at the option of the Commission open market purchases need not be made through the purchasing agent. The limitation and restrictions on purchases elsewhere contained in this Charter shall not apply but the Commission may purchase materials and supplies in amounts not exceeding one thousand five hundred dollars ($1500) without advertising for bids, on the open market.~~

~~Section 14-107 Exemption of Certain Employees from Civil Service.~~

~~Employees of the Commission permanently appointed to clerical or maintenance positions shall be subject to the civil service requirements of this Charter, and all other employees and positions shall be exempt from such requirements. [Chapter 14 added May 21, 1954.]~~