

ORDINANCE No.

Amend City Charter to delete the use of terms that are masculine or feminine and make technical corrections (Ordinance; amend Charter)

The City of Portland ordains:

Section 1. The Council finds:

1. At least every 10 years, the City Council convenes a Charter Commission to examine the Portland City Charter and recommend amendments. This fall, Council will appoint members to the 2020 Charter Commission.
2. To support the 2020 Charter Commission's work and provide the Charter Commission with a gender-neutral and accurate document to review, masculine and feminine terms should be deleted from the Charter and technical corrections to the Charter should be made.
3. Charter Section 2-512 authorizes the City Auditor, with approval of the City Attorney, to change the provisions of the Charter to delete the use of terms that are masculine or feminine.
4. The Council and the City Attorney approve the deletion of masculine and feminine terms from the Charter as shown in Exhibit A.
5. Charter Section 2-511 authorizes the City Auditor, subject to Council approval, to rearrange, renumber, reletter, capitalize, punctuate, and divide provisions of the Charter, correct clerical errors and omissions, delete provisions that have become inoperative, and substitute any current title of an officer, bureau, department, or commission in lieu of the title originally appearing in the Charter provision, in accordance with the changes of title or duties subsequently made by law.
6. The City Auditor asked City bureaus and offices to identify necessary technical corrections to the Charter. Such corrections are shown in Exhibit B.
7. The Council and the City Attorney approve the technical corrections to the Charter shown in Exhibit B.

NOW, THEREFORE, the Council directs:

- a. The City Auditor shall delete terms that are masculine or feminine from the Charter, as shown in Exhibit A.
- b. The City Auditor shall make the technical corrections to the Charter shown in Exhibit B.

Passed by the Council:

Auditor Mary Hull Caballero
Prepared by: Amanda Lamb
Date Prepared: October 12, 2020

Mary Hull Caballero
Auditor of the City of Portland
By
Deputy

~~808~~ 912
 Agenda No.
ORDINANCE NO.
 Title

Amend City Charter to delete the use of terms that are masculine or feminine and make technical corrections (Ordinance; amend Charter)

<p style="text-align: center;">INTRODUCED BY</p> <p>Mary Hull <small>Commissioner/Auditor: Digitally signed by Mary Hull Caballero Date: 2020.10.28 13:57:10 -07'00'</small></p> <p>Caballero</p>	<p>CLERK USE: DATE FILED <u>November 3, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Ryan</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Keelan McClymont</u> <small>Digitally signed by Keelan McClymont Date: 2020.11.03 20:15:38 -08'00'</small> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p> <p>Prepared by: <u>Bridget Donegan</u> Date Prepared: <u>10/30/2020</u></p>	<p>ACTION TAKEN:</p> <p>November 12, 2020 Passed to Second Reading November 18, 2020 at 9:30 a.m.</p>
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <small>Digitally signed by Maja Hatum Date: 2020.10.26 10:41:55 -07'00'</small></p>	
<p>Council Meeting Date November 12, 2020</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Ryan	2. Ryan	
3. Hardesty	3. Hardesty	
4. Eudaly	4. Eudaly	
Wheeler	Wheeler	

1. Amend Section 2-204

Section 2-204. City Business, Time Devoted to.

No official appointed or elected to elective office shall, during ~~his or her~~ the official's term of service, hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party.

2. Amend Section 2-205

Section 2-205. Oath of Office.

Every official appointed or elected to elective office before entering upon the performance of ~~his or her~~ official duties, shall take an oath or affirmation that ~~he or she~~ the official will support the Constitutions of the United States and of the State of Oregon, and will faithfully and honestly discharge ~~his or her~~ their duties; that the official holds no other office or position of profit, and that the official is not a member of any committee of any political party. If such oath or affirmation be false in any particular, it shall be deemed a delinquency in office on the part of such official.

3. Amend Section 2-206

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~~ their 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~~ their 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) – (g) unchanged

4. Amend Section 2-402

Section 2-402. Investigation of and Suits to Cancel Franchises.

The Mayor may, on ~~his or her~~ the Mayor's own motion, and must upon a resolution passed by the Council directing the Mayor so to do, cause to be instituted on behalf of the City such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney, upon the Mayor's demand, must institute and prosecute the suits or actions

required to enforce the provisions of this Section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective rights and obligations of the parties, and the performance of the same.

5. Amend Section 2-403

Section 2-403. Investigation of Offices.

The Mayor may at any time, with or without notice, investigate in person, or through one or more competent persons appointed by the Mayor for the purpose, the offices and accounts of any department of the City or of any employee, and the official acts and conduct of any official or employee in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officer or employee. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as ~~he or she~~ the Mayor may deem necessary, and to compel the production of books, papers, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such. The expense of any such investigation shall be paid out of the General Fund, in the same manner as other claims against the City are paid. The result of all such examinations and investigations shall be reported to the Council, and such report be filed with the Auditor.

6. Amend Section 2-502

Section 2-502. Qualifications and Restrictions on Other City Candidacy.

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

7. Amend Section 2-513

Section 2-513. Official Oaths and Certifications and Custodian of the City Seal.

- (a) The Auditor, and each of the Auditor's deputies, are authorized to administer an oath and certify any acknowledgement authorized or required to be taken by City ordinance, or law of this State, and the Auditor may require any person presenting for settlement an account or claim of any kind against the City to be sworn before

~~him or her~~ the Auditor regarding such account or claim, and when so sworn, to answer orally or in writing as to any facts relative to the merits or justice of such account or claim.

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

8. Amend Section 2-603

Section 2-603. Subordinate Offices and Employments.

The Council shall have the power by ordinance to create and abolish all such subordinate offices, places and employments in the service of the City as it may deem necessary for efficient and economical administration. The Mayor and each Commissioner shall appoint and may suspend or remove the incumbents of all subordinate offices and employments in ~~his or her~~ their department, subject to other provisions of this Charter. The Auditor shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within ~~his or her~~ the Auditor's office, or under ~~his or her~~ the Auditor's supervision. The chief executive officer of any board, or commission, when authorized to do so by the board or commission, or the board or commission itself shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within ~~his or her~~ their offices, or under ~~his or her~~ their supervision. All such appointments, suspensions and removals shall be subject to the civil service rules of this Charter except as to incumbents of positions expressly exempted therefrom.

9. Amend Section 2-606

Section 2-606. City Contracts, Interest In.

Any officer, agent or employee of the City who executes a contract with the City other than an employment contract, any grant, privilege or franchise from the City, who seeks to acquire any City property or interest therein, who seeks to transfer any property or interest therein to the City by sale, rental, lease or legal process of any kind for compensation from City funds, or who has a direct pecuniary interest in such contract, grant, privilege, franchise, or transfer sought by another, shall be disqualified from participating on behalf of the City in any negotiations and or proceedings relating thereto, and all such negotiations and proceedings shall be carried on by the person who would have acted in such officer's, agent's or employee's stead in ~~his or her~~ their absence. Subject to statutory restrictions and limitations, such contracts, grants, privileges, franchises and transfers made in accordance with the foregoing provisions of this Section shall not be void by reason of such City position, but shall be voidable by the City for cause. If any officer, agent or employee of the City shall fail to disqualify ~~himself or herself~~ themselves as

aforesaid, the contract, grant, privilege, franchise or transfer shall be wholly void and unenforceable in the hands of any person other than a bona fide purchaser for value without notice, and the position of such officer, agent or employee shall immediately be forfeited and such position shall be vacant.

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

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

10. Amend Section 2-608

Section 2-608. Salaries.

The salaries provided in this Charter shall be in full compensation for all services rendered to the City, and excepting such salaries, or except as specifically authorized by the Council, every officer shall pay all moneys coming into ~~his or her~~ the officer's hands as such officer, no matter from what source derived or received into the treasury of the City within twenty-four (24) hours after receipt of the same. In the event an officer or employee collects damages from a third person for time lost from such officer's or employee's City service, such officer or employee shall pay to the City Treasurer the money so collected or the total amount paid to such officer or employee by the City or City pension and disability Fund for such time lost, whichever is the lesser.

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11. Amend Section 2-801

Section 2-801. Official Public Records.

The public records of all the officers mentioned in this Charter are City property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors or to the Auditor; and such public records may be inspected at any time by any member of the Council, by the Mayor, or by the Auditor. The Auditor shall receive and preserve in ~~his or her~~ the Auditor's office all public records regarding City business filed with ~~him or her~~ the Auditor according to the Public Records laws of the State of Oregon.

12. Amend Section 3-105

Section 3-105. Nonpartisan Primaries.

Nomination of Mayor, Auditor and Commissioners, the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies. The positions of the Commissioners shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. Commissioners shall be designated by the same position as the Commissioner whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of Commissioner, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and ~~his or her name~~ the candidate's name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

13. Amend Subsection 5-202(i)(2)

Section 5-202. Powers of Board and Fund Administration.

2. If injury, death or medical condition of a Member is due to the negligent, intentional or wrongful action of a third party or product manufactured by a third party, the Member or beneficiary of the Member shall bring a cause of action or other claim against that third party or assign the cause of action or claim to the Fund. As used in this Chapter, "third party" includes any provider of medical care or vocational assistance to the Member and does not include any City employee acting in the course and scope of ~~his or her~~ their employment.

14. Amend Section 5-113

Section 5-113. Retirement, Resignation, and Discharge.

The Board of Trustees may upon its own motion and by two-thirds (2/3) vote of the entire Board, relieve from service any aged, disabled or infirm member whom it finds unfit for the performance of ~~his or her~~ the member's duty. The Board may by majority vote require any member to appear, submit to and undergo mental or physical examinations by its physician or such additional physicians or psychiatrists as it may appoint. In such cases review of determination based upon the findings of the Board's physicians or psychiatrists may be had as provided in Section 5-107. The member so relieved shall receive ~~his or her~~ the member's earned portion of the maximum pension as hereinafter set forth. Said pension shall cease at the member's death, except as hereinafter provided.

Any member coming within the provisions of this Article having twenty (20) years or more of active service who is discharged shall be entitled to receive ~~his or her~~ the member's earned portion of the maximum pension upon reaching that age at which such member would otherwise have been eligible to receive the maximum pension had such member not been so discharged; or the member may elect to receive at the time of discharge a refund of all contributions made by the member, less the amount of non-service connected disability benefits paid to the member from the Fund or previously established pension funds.

Any member who shall resign after five (5) years of active service shall receive at that time a refund of all ~~his or her~~ the member's contributions made as a regular member during the member's entire service in ~~his or her~~ their Bureau, less the amount of non-service connected disability benefits paid to the member from the Fund or previously established pension funds. Any member who shall be discharged after five (5) years of active service but before completing twenty (20) years of active service, shall receive at that time a refund of all contributions made by ~~him or her~~ the member, less the amount of non-service connected disability benefits paid to such member from the Fund or previously established pension funds.

15. Amend Section 5-114

Section 5-114. Compulsory Retirement.

Any member who has reached ~~his or her~~ their sixty-fourth (64th) birthday anniversary shall be retired by the Board forthwith, subject to the provisions of the following Section relating to retirement of members receiving benefits upon service-connected or occupational disabilities; provided, however, that the Chief Engineer of the Bureau of Fire (Chief of the Bureau of Fire) and the Chief of the Bureau of Police who hold such positions on the effective date of this Act shall not be retired under the provisions of this Section prior to August 1, 1968. Any member

retired under the provisions of this Section having any service less than thirty (30) years, shall be retired at the member's earned portion of the maximum pension.

16. Amend Section 5-115

Section 5-115. Benefits for Service-Connected Disability or Occupational Disability.

Upon duly verified application of a member and a finding by the Board that through injury suffered in line of duty, or sickness caused by the performance of duty, the member is or has been unable to perform ~~his or her~~ the member's required duties, said member shall be paid service-connected disability benefits equal to but not in excess of ~~his~~ the member's full salary from the Fund until such member recovers or for a period of one (1) year, whichever period is shorter. A member accepting service-connected disability benefits waives any right such member may have against the City of Portland as a result of said disability. In the event that said member has not recovered at the end of one (1) year, the member shall receive after said first year and until the member recovers, but for a period of not to exceed three (3) additional years, service-connected disability benefits from the Fund equal to but not in excess of the member's full salary but in no event in excess of the then current salary of a First Class Fire Fighter or First Class Police Officer, as the case may be. If the service-connected disability continues after the end of four (4) years, the member shall be paid benefits from the Fund in an amount equal to sixty percent of the then current salary of a First Class Fire Fighter or First Class Police Officer, as the case may be, until the member recovers or if the member does not recover until the member reaches compulsory retirement age. Upon reaching compulsory retirement age, said member shall be retired by the Board and shall receive ~~his or her~~ the member's maximum earned pension. In the event a member, disabled from an injury in line of duty or sickness caused by the performance of duty, reaches compulsory retirement age before the expiration of one (1) year from the date of such disability, said member shall be paid benefits equal to the member's full salary from the Fund until the member recovers or for one (1) year from the date of such disability, whichever event first occurs, at which time the member shall be retired at ~~his or her~~ the member's maximum earned pension. A member receiving service-connected disability benefits upon reaching compulsory retirement age, shall not receive any payments from the Fund in excess of such member's maximum earned pension except as hereinbefore provided plus such medical and hospital expenses as are authorized in this Article.

For the purpose of this Act the disabilities of heart disease, hernia of the abdominal cavity or diaphragm, tuberculosis and pneumonia (except terminal pneumonia) are occupational disabilities and a member so disabled shall not be considered to have suffered injury in line of duty or sickness caused by the performance of duty, but shall be entitled to the same benefits from the Fund as a member injured in line of duty or in the performance of duty until the member recovers or for the period of one (1) year from the date of such disability, whichever period is shorter, at which time the member shall be paid benefits from the Fund in an amount equal to sixty percent of the then current salary of a First Class Fire Fighter or a First Class Police Officer, as the case may be, until the member recovers or if the member has not recovered until ~~he~~ the member reaches compulsory retirement age, at which time the member shall be retired by the Board and shall receive ~~his or her~~ the member's maximum earned pension. If such occupational disability occurs within one (1) year prior to the member's compulsory retirement

date said member shall be paid benefits from the Fund equal to the member's full salary until ~~he~~ the member recovers or for a period of one (1) year from the date of said disability, whichever period is the shorter and in the event the member has not recovered from said disability after the expiration of said one (1) year period, said member shall be retired by the Board and shall receive ~~his or her~~ the member's maximum earned pension. A member in accepting occupational disability benefits waives any right such member may have against the City of Portland as a result of said disability.

No member shall be given service-connected disability benefits or occupational disability benefits if the Board finds that said disability can probably be successfully corrected by competent medical or psychiatric treatment, or both, and said member fails or refuses to be so treated.

In the event of recovery of any member from service- connected disability or occupational disability prior to retirement, as attested by the member's attending physician, and the concurring approval of the Board's physician, the chief in charge of the respective bureau shall authorize return to work of such member, subject to the subsequent certification by the Board, which shall be retroactive to the time the member returns to work. Such return to work shall not be subject to other time limitations on such return contained elsewhere in this Charter. Said member returning to service shall be restored to service in the rank the member occupied at the time of ~~his or her~~ the member's disability and ~~his or her~~ the member's disability benefits shall cease upon restoration to service.

In the event a member is unable to perform ~~his or her~~ the member's required duties from a recurrence of a prior service-connected disability, the period of such recurrence or periods of successive recurrences from the same original sickness or injury shall be added to the period or periods of prior disability for the purpose of computing total disability benefits to which the member is entitled, provided, however, if one (1) year or more lapse from the date of recovery from such original sickness or injury, the subsequent period of such recurrence or periods of successive recurrences of such disability shall be treated as a new disability for the purpose of computing benefits.

17. Amend Section 5-116

Section 5-116. Benefits for Nonservice Connected Disability.

Any member who is in active service and who has at least one (1) year of active service and who becomes incapacitated from performing ~~his~~ the member's required duties on account of injury or sickness not service connected, and who at the time of said disability was either a recipient of disability benefits under Section 5-115 of this Article or was contributing to the Fund from ~~his~~ the member's current ~~or her~~ salary in accordance with the provisions of this article, shall, upon the cessation of ~~his or her~~ the member's sick leave benefits for such cause and upon cessation of ~~his or her~~ the member's current salary other than vacation pay, be entitled to benefits equal to ~~his or her~~ the member's maximum earned pension, but in no event less than twenty percent of the

then current salary of a First Class Fire Fighter or First Class Police Officer, as the case may be, until ~~he or she~~ the member recovers, or if ~~he or she~~ the member has not recovered, until ~~he or she~~ the member reaches compulsory retirement age. If a member reaches compulsory retirement age while receiving nonservice -connected disability benefits under this Section, such benefits shall cease forthwith, and the member shall be retired by the Board and shall receive ~~his or her~~ the member's maximum earned pension. All applications for benefits under this Section shall be duly verified and accompanied by a certificate from a legally licensed physician setting forth the cause or basis of the disability claimed. The Board shall determine whether the applicant for benefits meets the requirements herein set forth.

No member shall be given benefits under this Section if the Board finds that said disability can probably be successfully corrected by competent medical or psychiatric treatment or both, and said member fails or refuses to be so treated. In the event of recovery of any member from nonservice-connected disability prior to retirement as attested by the member's attending physician and the concurring approval of the Board's physician, the chief in charge of the respective bureau shall authorize return to work of such member subject to subsequent certification by the Board, which certification shall be retroactive to the time the member returns to work. Such return to duty shall not be subject to other time limitations on such return contained elsewhere in this Charter. Said member returning to service shall be restored to service in the rank the member occupied at the time of ~~his or her~~ the member's disability.

18. Amend Section 5-117

Section 5-117. Benefits and Pensions to Surviving Spouses and Children in Service Connected or Occupational Disability Deaths.

All persons deriving benefits from the death of any one member under the provisions of this Section may elect, if the Board after hearing finds it to be financially beneficial to the Fund, to receive collectively a five thousand dollar (\$5,000) cash settlement from the Fund in lieu of all further claims to benefits and/or pension. Said cash settlement shall not be paid if the deceased member was at the time of ~~his or her~~ the member's death or within (1) one year thereafter would have been eligible for a maximum pension or would have reached compulsory retirement age.

19. Amend Section 5-118

Section 5-118. Benefits and Pensions to Surviving Spouses and Children on Deaths of FPDR One Members After Retirement or on Non Service Connected Deaths Before Retirement.

If a member has twenty (20) years or more of active service and dies before retirement from any cause not in line of duty, the member's Surviving Spouse, if said Surviving Spouse has been married to the member for at least one (1) year, shall be entitled to a pension to be computed from the "Survivor Annuity Table" set forth above, based upon the maximum earned pension of the deceased member; or said Surviving Spouse may elect at ~~his or her~~ their option within one (1) year after the member's death, if the Board, after hearing so permits, to receive in lieu of further pension payments either: (1) a return of the member's contributions made to the Fund and previously established pension funds, less the amount of nonservice-connected disability benefits paid to the member from the Fund and any previously established pension funds; or (2) a cash settlement of thirty five hundred dollars (\$3,500). If at the time of said member's death there be no Surviving Spouse who has been married to the member for at least one (1) year, the deceased member's surviving Dependent Minor Child or children, if any, while so remaining shall be entitled to the same pension to which a qualifying Surviving Spouse of the same age as the member would have been entitled under the provisions of this paragraph. If a Surviving Spouse qualifies for and is receiving a pension under this paragraph and later dies or remarries, the surviving Dependent Minor Child or children of the deceased member while so remaining shall receive, in lieu of the Surviving Spouse, said Surviving Spouse's pension, and said pension shall be divided equally among them, if there be more than one.

Notwithstanding the above, if the member shall die before retirement from any cause not in the line of duty, leaving a Dependent Minor Child or children by a former marriage or marriages and the Surviving Spouse qualifies to receive a pension under this Section, then the Surviving Spouse's pension shall be shared with the Dependent Minor Child or children of all marriages, fifty percent to the said Surviving Spouse and fifty percent to the Dependent Minor Child or children of all marriages, to be divided equally among said children, if there be more than one. No Dependent Minor Child shall share in such division of the fifty percent last named, after such child has ceased to be a Dependent Minor Child as that term is defined in this Article. When there is no longer a Dependent Minor Child, the entire Surviving Spouse's pension shall be paid to the qualified Surviving Spouse until ~~his or her~~ the Surviving Spouse's death or remarriage. If the Surviving Spouse remarries or dies while there remain Dependent Minor Child or children, the entire Surviving Spouse's pension shall be paid to the Dependent Minor Child or children while they so remain, to be divided equally among said children, if there be more than one.

20. Amend Section 5-122

Section 5-122. Military Service.

FPDR One Members entering military service in time of a national emergency so declared by the President of the United States or inducted by the federal or State government into the armed forces or the reserve components thereof at a time of said national emergency shall receive credit for all time spent in said service toward retirement under this Act; provided said member returns to active duty in the Bureau of Fire or Police, as the case may be, within sixty (60) days after being relieved with a favorable discharge from said service and does not voluntarily remain in

said service after the emergency; and provided further, however, that if a member shall become eligible, while in said service, to receive a pension according to years of service and age, as provided in Section 5-113, it shall not be necessary for such member to return to active duty in the Bureau of Fire or Bureau of Police in order to receive ~~his~~ their retirement pension. In case of the member's death while in said service the member's Surviving Spouse and Dependent Minor Child or children shall be eligible for benefits as provided in Section 5-118. In case of injury or sickness contracted by said member while in said service, after being relieved from said service the member shall be entitled to the same benefits the member would have received under the paragraph in Section 5-116 hereof providing for benefits upon nonservice-connected disabilities.

21. Amend Section 5-126

Section 5-126. Definitions of Terms.

1. – 6. unchanged

7. The term "active service" shall mean that period of time after the date of permanent appointment during which a member serves and is paid from the payroll of the respective bureau of which ~~he or she is~~ they are a member; and likewise shall include time spent on military leave to the extent provided in Section 5-122, leave of absence from the Bureau of Police or Bureau of Fire to serve as a Chief of the Bureau thereof, during which time the member shall be classified as a member, and time lost as a result of occupational disabilities and service-connected disabilities. Time served under temporary appointment before date of permanent appointment shall not be included in computing "active service." Time lost from active duty as a result of a nonservice-connected disability for which period of time benefits are paid to a member from the Fund shall not be included in computing "active service";
8. The term "in line of duty" shall mean those acts connected with or resulting from duties assigned, required or authorized of members of the Bureau of Police or Bureau of Fire, as the case may be, which occur during the period of time which elapses between the time a member reports for duty until the time ~~he~~ the member is relieved from duty, and any other time the member is performing fire or police duties for the City of Portland, provided such acts are not in violation of departmental rules and regulations, City ordinances or State or federal laws;
9. The term "member" shall mean any person permanently and duly appointed in the Bureau of Fire or the Bureau of Police, under Civil Service rules and regulations, to perform the duties of a regular fire fighter or police officer, including ~~police women, police harbor pilots, police matrons,~~ fireboat pilots and fire department engineers, or any person permanently and duly appointed prior to July 1, 1947, who has paid into the established Fire fighter's and Policemen's Relief and Pension Funds prior to July 1, 1947, in the City of Portland, under whatever

designation ~~he or she~~ the member may be described, in any salary or budget ordinance providing compensation for the members of said Bureau of Fire or Bureau of Police; provided, however, that personnel of the Bureau of Fire or Bureau of Police, who are excluded from membership in the Fund pursuant to statutory authority shall not be deemed "members" under this Article;

10. – 15. unchanged

22. Amend Section 7-101

Section 7-101. Public Moneys and Accounting.

1. – 2. Unchanged

3. The chief financial officer of the City shall give information as to the exact condition of the treasury and of every appropriation and Fund thereof under control of the Council, upon demand of the Mayor, or the Council, or any Commissioner or the Auditor. The chief financial officer of the City shall keep the records and accounts of the City in a complete and intelligible manner, but may keep a summary of departmental or bureau records and accounts where ~~he or she~~ the chief financial officer of the City finds such summary to be sufficient. ~~He or she~~ The chief financial officer of the City shall make an annual statement to the Council showing the receipts and disbursements of the City and the state of each particular Fund and the City's financial condition as soon as records are complete after the close of business on the last day of each fiscal year. The annual report shall contain an accurate statement in summarized form of the financial receipts of the City from all sources and of the expenditures of the City for all purposes, together with a detailed statement of the debt of said City, of the purposes for which said debt has been incurred, and of the accounts of said City with grantees of franchises and the names of the present owners of each thereof, and a summary of the assets and liabilities of the City.

23. Amend Section 7-103

Section 7-103. Demands for Payment.

Every demand upon the City for payment of money out of the treasury, must, before it can be paid, be presented to the chief financial officer of the City, who shall examine such demand to satisfy ~~himself or herself~~ themselves whether the money is legally due and payable, and out of what Fund it is payable. No demand shall be approved or paid unless it specify each several item, date and amount composing it, and have endorsed thereon the legal authority for its payment. However, the provisions of this paragraph shall not apply to demands for payment out of funds from which any officers, boards or Commissioners are empowered by this Charter or other law to require payment without Council authorization, nor to requisitions, checks or warrants thereon. The chief financial officer of the City shall keep an official record of all demands examined by the chief financial officer of the City showing the number, date, amount, name of

the payee and against what appropriation, if any, drawn and out of what Fund payable. The chief financial officer of the City shall not allow any demand out of its order to give priority to one demand over another drawn upon the same specific Fund, except that when liability for any claim presented is not sufficiently apparent to the chief financial officer of the City, ~~he or she~~ the chief financial officer of the City may delay the payment thereof until such liability shall be determined.

24. Amend Section 7-104

Section 7-104. Demands, Nonallowance.

No demand shall be allowed by the chief financial officer of the City in favor of any corporation or person indebted to the City in any manner, except for assessments or taxes not delinquent, without first deducting the amount of any indebtedness then due of which the chief financial officer has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless such person's account has been presented, passed, approved and allowed as herein required, nor in favor of any officer determined by the Mayor or Commissioner In Charge to have neglected to make ~~his or her~~ the officer's official returns or reports in the manner and at the time required by law, ordinance or the regulation of the Council, or to have neglected or refused to comply with any of the provisions of law regulating such officer's duties, nor in favor of any officer or employee found by the Mayor or Commissioner In Charge to have absented ~~himself or herself~~ themselves without legal cause or duly granted leave of absence from the duties of ~~his or her~~ their office during office hours, after such determination has been transmitted and filed with the chief financial officer.

25. Amend Section 7-109

Section 7-109. Independent Audits.

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

26. Amend Section 9-310

Section 9-310. No Impairment of Duty Under Franchise or Ordinance.

Nothing in this Article shall impair the right of the City to require the holder of a franchise or other person, required by ordinance or otherwise to pave a portion of street, to move any facility at ~~his or her~~ their own expense or to improve a portion of street, to carry out ~~his or her~~ their obligation without expense to the City. For this purpose, elimination of grade crossings is a public work and improvement. No duty, express or implied, of the holder of a franchise, contract

or permit shall be impaired by amendments to this Chapter subsequent to the grant of franchise, contract or permit.

27. Amend Section 9-501

Section 9-501. Assessment District; Remonstrances.

When the Council has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the Auditor shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of ~~his or her~~ their authority, may file with the Auditor a written remonstrance against the proposed sewer or the plans therefor, and the Council, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The Council, however, may overrule any and all remonstrances and may order the improvement. The Council also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the Council.

28. Amend Section 13-301

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~~ the member's 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) unchanged

1. Amend Section 2-206

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) – (e) unchanged

(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~~ Chief Administrative Officer, and the Chiefs of Staff ~~executive assistants~~ of disabled Council members in the order of their seniority as an executive assistant. [Remainder of Subsection (g) unchanged]

2. Amend Section 11-303

Section 11-303 – Use of Sewers

To facilitate sewage treatment and protect the City's sewage facilities, the City may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the ~~City Engineer~~ Director of the Bureau of Environmental Services.

3. Amend Section 13-301

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~~ 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~~ the member’s 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) unchanged

4. Amend Chapter 15, Article 1

Chapter 15 ~~Portland Development Commission~~ Prosper Portland

Article 1 Administration, Powers and Duties

Section 15-101 Agency.

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

Section 15-102 ~~Portland Development Commission~~ Prosper Portland Board of Commissioners.

The Agency shall be administered by a ~~Portland Development Commission~~ Prosper Portland Board of Commissioners (Commission) consisting of five (5) members who shall be appointed and may be removed by the Mayor, subject to approval by the Council. Appointment shall be made for a three (3) year term. A vacancy shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the Mayor. Successors shall be appointed by the Mayor, subject to Council approval, for the unexpired term of any such vacancy. Commission members shall serve without salary or compensation of any nature. The Commission shall make provision for regular meetings at fixed times and may adopt bylaws, rules and regulations to govern its own procedures. The Commission may delegate to one or

more of its members as a special board or boards, such duties and responsibilities as it may deem proper, subject to the administrative provisions contained in this Chapter.

Section 15-103 General Powers and Duties.

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

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

IMPACT STATEMENT

Legislation title: Amend City Charter to delete the use of terms that are masculine or feminine and make technical corrections (Ordinance; amend Charter)

Contact name: Amanda Lamb, Chief Deputy City Auditor

Contact phone: Amanda Lamb: (503) 823-0919

Presenter name: Bridget Donegan, General Counsel to the City Auditor’s Office

Purpose of proposed legislation and background information:

The purpose of this ordinance is to remove gendered language from the Portland City Charter and to make other technical corrections to the Charter. These changes will support the 2020 Charter Commission’s work and provide the Charter Commission with a gender-neutral and accurate document to review

Financial and budgetary impacts:

None.

Community impacts and community involvement:

The Auditor’s Office asked City bureaus and offices to identify necessary technical corrections to the Charter.

100% Renewable Goal:

This action will not impact the City’s total energy use or the City’s renewable energy use.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount