

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6614

**AMEND THE PORTLAND DEVELOPMENT COMMISSION
URBAN RENEWAL ADVISORY COMMITTEE POLICY TO
PERMIT VOTING MEMBERS REPRESENTING CERTAIN
TAXING JURISDICTIONS**

WHEREAS, on September 14, 2005, the Board adopted resolution number 6393 adopting the Urban Renewal Advisory Committee Policy ("URAC Policy") in order to establish consistent procedures for the creation and operations of all URACs;

WHEREAS, the Board has adopted Resolution No. 6582 and Resolution No. 6611 which establishes Cooperative Agreements with Multnomah County and Portland Public Schools which generally provide for the following:

- Greater involvement in broad urban renewal area planning efforts.
- Participation on urban renewal advisory committees as voting members.
- Additional consideration as to the impact to other taxing jurisdictions as one of the criterion used to decide whether or not an urban renewal area is created or amended;

WHEREAS, the Cooperative Agreements enhance PDC's strategic relationship with Multnomah County and Portland Public Schools;

WHEREAS, In order for representatives of Multnomah County and Portland Public Schools to become voting members of URACs the URAC Policy needs to include a new category called Taxing Jurisdiction Partners; and

WHEREAS, Taxing Jurisdiction Partners will be defined as governmental entities which collect property taxes within the City of Portland boundaries that have an interest in the implementation of urban renewal plans because they forego a significant amount of tax revenue that would normally be spent making investments in their respective areas of operation. These partners would be identified by Cooperative Agreements with PDC. Taxing Jurisdiction Partners will be voting members of the URAC.

NOW, THEREFORE, BE IT RESOLVED that The PDC URAC Policy is amended to read, in its entirety, as set forth in Exhibit A, attached hereto; and

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon its adoption.

PDC Urban Renewal Advisory Committee Policy
Amended July 9, 2008

The Commission's **Public Participation Policy** requires that "*appropriate public participation processes and activities are incorporated into PDC planning and decision-making processes.*" An Urban Renewal Advisory Committee ("URAC") is one of a variety of tools the PDC Board of Commissioners (the "PDC Board") and staff will use to obtain public input and feedback when making plans and decisions related to implementation of an urban renewal plan ("Plan").

Over the life of a Plan, the URAC plays an important role for the PDC Board by virtue of:

- Its diverse composition of representative stakeholders.
- Its ongoing familiarity with the overall short and long-term goals and objectives of a Plan and related city plans and policies.
- Its members sharing information with and receiving feedback from wider networks of project stakeholders.

The PDC Board has established this policy to guide the composition and function of a URAC consistent with the following **Guiding Principles**:

- PDC will convene and manage URACs in a consistent manner.
- PDC will respectfully utilize and maximize the volunteer time and effort of individual URAC members.
- PDC recognizes and values the contribution that existing community groups and individuals provide in developing and implementing Plans.
- The role and responsibility of URACs in broadening public awareness and participation in Plan implementation should be expanded.
- URACs are one of a variety of public participation tools for providing public feedback to the PDC Board regarding proposed projects, plans, strategies and programs.

A. General.

1. A URAC may not otherwise adopt or practice any procedure which is in conflict with this policy, other PDC policies, or Oregon Public Meeting Law.
2. All individual members of a URAC are considered "public officials" and therefore subject to Oregon Government Standards and Practices related to ethics and conflict of interest (ORS 244). All URAC Members will annually be provided orientation and information on these standards.
3. All individual members of a URAC are considered "PDC Officials" and therefore subject to certain provisions of the PDC Code of Conduct; and in addition, are also legally bound to the standards of conduct and ethics contained in the Portland City Code (Chapter 1.03). All URAC Members will annually be provided orientation and information on these standards.

B. Establishment.

1. Upon the creation of an urban renewal area (“URA”), or anytime thereafter, the PDC Board will determine whether or not to have a URAC. This decision will generally be based on the specific objectives of the Plan, the extent of stakeholder interest and involvement, and alternative methods for public participation that exist or are planned.
2. The PDC Board retains sole authority to establish, recompose or disband a URAC.
3. Each URAC is considered a “standing committee” of the PDC Board and a “public body” subject to Oregon Public Meetings Law (ORS 192.610).
4. A URAC shall be created by Resolution of the PDC Board that contains the following:
 - a) Statement of URAC role and responsibilities.
 - b) Identification of organization members and representative.
 - c) Identification of at-large members.
 - d) Identification of alternate members, if any.
 - e) Identification of ex-officio members and representative.
 - f) Identification of initial URAC chairperson.
5. All subsequent appointments of URAC members shall be done by Resolution of the PDC Board.

C. Roles and Responsibilities.

1. **PDC Board.** The PDC Board is responsible for establishing policy, adopting budgets and making decisions on implementation of a Plan. More specifically, the PDC Board is responsible for:
 - a) Adopting annual urban renewal budgets.
 - b) Authorizing the acquisition or disposition of real property within a URA.
 - c) Authorizing financial assistance programs and/or specific loans or grants that implement Plan goals and objectives.
 - d) Considering public input and feedback in making decisions related to a Plan.
 - e) Ensuring that urban renewal projects and programs are consistent with and supportive of broader city policies and plans.

2. **URAC.** URACs are established to provide a process for community and stakeholder feedback to the PDC Board and project staff on implementation of a particular Plan and budget. More specifically, a URAC is responsible for:
 - a) Assisting project staff in identifying and involving other community stakeholders and partners in public participation activities and urban renewal projects.
 - b) Providing a forum for public discussion on implementation of the Plan.
 - c) Providing feedback to the PDC Board and project staff on short and long-term plans and budgets related to implementation of the Plan.
 - d) Providing feedback to the PDC Board on proposed substantial or minor amendments to the Plan.
 - e) Collectively considering and reflecting in feedback and recommendations the diversity of stakeholder interests and impacts within the URA.
3. **URAC members.** URAC members play the important role of representing the viewpoint and insight of community residents, property and business owners, and other stakeholders, and are responsible for:
 - a) Attending URAC meetings and other related public activities; and advising the URAC Chair and URA Manager in advance of meeting absences.
 - b) Reviewing meeting agenda information in advance and providing informed input on matters presented for URAC consideration.
 - c) Understanding the goals and objectives of the adopted urban renewal plan and related city plans and policies, and keeping current with on-going projects, programs and activities implementing the plan.
 - d) Assisting staff in informing community residents and businesses of programs and services offered by the Commission.
 - e) Assisting staff in promoting public participation opportunities among community stakeholders and recruiting stakeholders to participate in those activities.
 - f) Cultivating new candidates for URAC membership.
 - g) If a designated organization representative or alternate, keeping the entity represented informed of URAC and urban renewal project issues and activities; and reflecting the position of the entity in discussion and votes of the URAC.
4. **URA Manager.** Each URA will have a PDC staff person designated by the Executive Director as the URA Manager and responsible for the following:
 - a) Liaison between the PDC Board, Executive Director and the URAC.
 - b) Calling regular and special meetings of the URAC in consultation with the URAC Chair.
 - c) Meeting Logistics.
 - d) Public Notices.

- e) In consultation with the URAC Chair, preparing meeting agendas.
- f) Coordinating nominations and election of URAC officers.
- g) Coordinating new member outreach and application process; and PDC Board appointment process.
- h) Producing and distributing a written summary of URAC meetings.
- i) Maintaining all official records of the URAC, including tracking attendance.
- j) Coordinating reports and presentations to the URAC on all planning and development projects being managed by PDC in the URA.
- k) Periodically providing the URAC with information on projects within the URA receiving PDC financial assistance through established PDC financial assistance programs.
- l) Coordinating all URA related public participation plans and activities.

D. **Composition.** A URAC will have enough members to be manageable and ensure it adequately represents the variety and diversity of impacted and interested stakeholders in the specific objectives of the Plan as well as a broad spectrum of relevant public/city interests. The size and composition of a URAC may need to change over the life of a Plan to reflect progress and strategies towards meeting Plan goals.

1. **Size.** As a best practice for creating a functional committee – a URAC should have a minimum of seven (7) and a maximum of seventeen (17) members (excluding ex-officio members) in any combination of the following member-types as determined by the PDC Board.

2. Regular Members

- a) **Organization Member.** The role of an organization member is to keep the organization informed of the business and activities of the URAC, and be empowered to speak and vote on behalf of the entity. The organization is responsible for:
 - Nominating a representative, and at their option an alternate member to serve on the URAC.
 - Providing the PDC Board with an explanation of the process used by the organization to recruit and identify the representative and alternate.

Types of organization members are:

- (i) A **Neighborhood Association** recognized by the City of Portland according to guidelines administered by the Office of Neighborhood Involvement.
- (ii) A **Neighborhood Business Association** recognized by the City of Portland according to guidelines administered by the Office of Neighborhood Involvement.
- (iii) **Community Partners.** A non-governmental citywide, community or business organization, association or entity whose regular and

principal mission, objectives or services are related to goals and objectives of the Plan, and that has a significant presence or interest in the Plan.

- b) **At-Large Member.** Individuals appointed to represent the interests of like stakeholders at large. These members would typically be residents, property owners, or business interests within the URA or greater Portland Area.
3. **Alternate Member.** The PDC Board may appoint individuals to be an alternate representative of an organization or at-large member to substitute for a regular member who is absent from a URAC Meeting.
4. **Ex-Officio Member.** Public agencies or City of Portland bureaus – other than PDC – with an identifiable role in the implementation of Plan goals and objectives through the development of related policies and plans, project funding, or project construction. Public agencies that are Taxing Jurisdiction Partners are not considered Ex-Officio Members.
 - a) Ex-officio members are entitled to participate in all meetings and discussions of the URAC, but may not serve as an officer, or vote on any matter.
 - b) Ex-officio members are not restricted from providing the PDC Board or staff with feedback through other means of normal communications.
5. **Taxing Jurisdiction Partners.** Public agencies that have an interest in the implementation of urban renewal plans because they forego a significant amount of tax revenue that would normally be spent making investments in their respective areas of operation. These partners would be identified by Intergovernmental Agreements with PDC. Representatives of these partners would be voting members of the URAC.
6. **Appointments.**
 - a) **Appointment Term.**
 - (i) Terms shall be for a fiscal year period, beginning on July 1 and ending on June 30.
 - (ii) One term shall be for a three year period, except that on the formation of a URAC some terms may be for a one, two or three year period so that terms of members will be staggered to provide for approximately equal turnover every year.
 - b) **Term Limits.**
 - (i) A regular member is limited to six consecutive years on the URAC. Appointments to an initial term of less than three years or a partial term to fill a vacancy will not count against this limit.
 - (ii) **Exceptions.**
 - Term limits do not apply to an alternate or ex-officio member.
 - At the discretion of the PDC Board, an individual otherwise ineligible for appointment may be appointed in the following circumstances:

- If the URAC would benefit from the individual's historical background and service on the URAC; **OR**
- If an organization is unable to identify a different representative and has made a demonstrated good faith effort to do so.

c) **Application Process.** The appointment of any new or replacement URAC member shall be based on applications received from interested organizations or individuals; preceded by public notice of vacancies and outreach to potential applicants.

E. **Attendance Standards. URAC members** and alternates are responsible for attending all regular URAC meetings for the member to be considered in good standing. After a member misses two regular meetings in a fiscal year:

1. If an at-large member or alternate, the URA Manager, in consultation with the PDC Board and URAC Chair, will contact the member to confirm interest in participation and ability to attend future meetings.
2. If an organization representative or alternate, the URA Manager, in consultation with the URAC Chair, will contact the organization board to confirm the organizations' continued interest in being represented on the URAC, and receive assurance a representative will attend future meetings.
3. If a member, alternate or organization will not or cannot commit to regular attendance, the Executive Director, in consultation with the PDC Board Chair, URAC Chair and URA Manager, may declare the appointment vacated.

F. Officers; Term; Election

1. **Officers.**

- a) **Eligibility.** Must be a current regular member of the URAC.
- b) **Chair.** The URAC Chair shall be a full voting member of the URAC and have the following role:
 - (i) Represent perspective of URAC as a whole; advocate for the whole URAC.
 - (ii) Spokesperson for URAC to media and community in coordination with PDC.
 - (iii) Initial contact for other URAC members concerns, questions or suggestions regarding URAC procedures or agenda.
 - (iv) Consult with the URA Manager on scheduling meetings and meeting agenda preparation.
 - (v) Preside over URAC meetings; including responsibility for:
 - Calling a meeting to order.
 - Keeping order and imposing any reasonable restrictions necessary for the efficient and orderly conduct of a meeting.
 - Managing discussion and debate in a neutral manner providing equal opportunity for all URAC members to participate.

- Ensuring that at each regular URAC meeting there is an opportunity for anyone from the general public to address the URAC.
 - Accepting motions and amendments from URAC members
 - conducting a vote in accordance with URAC policy procedures
 - Declaring a quorum for the purposes of voting.
 - Declaring the results of a vote.
 - Declaring a meeting adjourned.
- (vi) Work with URAC members to uphold attendance standard.
- (vii) Present official recommendations or communications to the PDC Board or Executive Director on behalf of the URAC, when authorized by the URAC.
- c) **Vice Chair/Co-Chair.** At the URAC’s discretion, it shall have either a Vice Chair or Co-Chairs. This preference shall be decided prior to the formation of a Nominating Committee (defined below) each year.
- (i) The Vice Chair shall perform functions of the Chair in the Chair’s absence, and be a voting member of the URAC.
 - (ii) The Co-Chairs shall share equally all roles and responsibilities otherwise described for the Chair in these procedures; and be voting members of the URAC.
2. **Term.** The term for URAC officers shall be for one (1) year, beginning upon election at the first meeting in July and ending upon election of new officers the following July.

3. Election of Officers

- a) **Nominating Committee.** At least two (2) months prior to the end of officer terms, the PDC Board Chair will call for volunteers to form a nominating committee, comprised of at least two URAC members not seeking election and the URA Manager (collectively, the “Nominating Committee”). The Nominating Committee’s role is to:
- (i) Accept nominations and/or seek nominees for officers to propose to the URAC for election.
 - (ii) Obtain confirmation from nominees of their willingness to serve.
- b) **Election.** At the first meeting of the URAC in July each year, a URAC will elect a Chair and Vice Chair, or two (2) Co-Chairs, with service to take effect immediately upon election.
- (i) **Chair and Vice Chair:**
- The Nominating Committee will present their nominations for Chair.
 - The Chair will accept additional nominations from URAC Members prior to the vote for Chair, provided there is:
 - 1) a second for the nomination among voting members present,

- 2) that a nominated person is present, and
- 3) the person accepts the nomination.

- The Chair will be the first person to receive a simple majority of all voting members present at the meeting.
- If there are more than two candidates and neither one receives a majority of the votes, the candidate receiving the fewest votes will be deleted from the ballot, and another vote will be taken on the remaining candidates. If necessary, this procedure would be repeated until someone receives a majority.
- A separate vote will then be held for the position of Vice Chair, following the same process as the vote for the Chair.

(ii) **Co-Chairs:**

- The Nominating Committee will present their nominations for Co-Chairs.
- The Chair will accept additional nominations from URAC Members prior to the vote for Co-Chair, provided there is:
 - 1) there is a second for the nomination among voting members present,
 - 2) that a nominated person is present, and
 - 3) the person accepts the nomination.
- The first Co-Chair will be the first person to receive a simple majority of all voting member present at the meeting.
- If there are more than two candidates and neither one receives a majority of the votes, the candidate receiving the fewest votes will be deleted from the ballot, and another vote will be taken on the remaining candidates. If necessary, this procedure would be repeated until someone receives a majority.
- A separate vote will then be held for the second Co-Chair, following the same process described above.

- c) **Special Meeting.** Nothing in the foregoing shall prevent the URAC from calling a special meeting for the purpose of electing officers.

G. **Public Meetings and Records.** A URAC is subject to the Oregon Public Records and Meetings Law (ORS 192). In addition to other elements of this policy designed to comply with that law, the requirements below must also be followed:

1. All meetings must be open to the public.
2. While meetings must be open to public attendance, they do not have to be open to public participation, except that an opportunity for public testimony prior to any vote is required.
 - a) The Chair controls the extent of public participation at a meeting.

- b) A URAC may adopt additional guidelines for public participation to aid Chairs in being fair and consistent at meetings (e.g., restricting testimony to 3 minutes).
3. Although informal gatherings of URAC members outside of an official meeting is permissible under the law, the intent of such a gathering may not be to deliberate issues and no decision may be made. Members constituting a quorum must avoid any group discussion of the business of the URAC during private social gatherings.
4. The URA Manager is responsible for keeping all URAC records in accordance with PDC's adopted Records Management Policy; and making available for public access in accordance with the adopted PDC Public Records Access Policy.

H. Meetings

1. **Regular Meetings.** A URAC must hold a regular meeting each July and should hold regular meetings at least quarterly during the balance of the year as determined by the URA Manager in consultation with the PDC Board Chair.
2. **Special Meetings.** A special or emergency meeting may be called by the URA Manager in consultation with the URAC Chair and PDC Legal Counsel to meet needs of the PDC Board or the URAC.
3. **Meeting Logistics.**
 - a) Meetings should be held within the geographic boundaries of the URA whenever practical, or as close as possible if for the sake of convenience to URAC members and the general public.
 - b) Meetings should be held at a time and place most suitable to the membership, and that facilitates public attendance.
 - c) Meetings must be held in a handicap accessible facility.
 - d) Meetings must be held in a non-smoking facility.
 - e) A good faith effort must be made to make meetings accessible to people with hearing impairment or other disabilities. Public meeting notices should contain a statement to the effect, "*If an individual is in need of special accommodation, contact (name of PDC staff) at least 24 hours in advance.*" If someone indicates the need for a special accommodation, PDC staff are responsible for providing reasonable accommodation.
4. **Meeting Notice.** Public notice of any meeting of a URAC is required, and is the responsibility of the URA Manager.
 - a) The public notice must include the date, time, place and a brief description of the nature of the principle subjects to be discussed. Issues which were unknown at the time of notice, and therefore not listed, may be discussed and voted on.
 - b) Actual (direct) notice must be provided to specifically interested persons, such as URAC members and alternates, and others who have requested notification in writing, including any media; and parties with a special interest in a particular agenda item.

- c) Reasonable notice must also be provided to the public at large, although this does not need to be direct. This would be at a minimum an advertisement in a widely circulated newspaper and posting on the PDC and City of Portland website.
- d) The amount of notice given under the law must be reasonable, but no specific amount of time is required.
- e) Special (i.e., non-regular) meetings may be called with a minimum of 24-hour notice.
- f) Emergency meetings may be held with less than 24-hour notice. Only the emergency issue(s) may be dealt with at an emergency meeting.
- g) The URAC shall provide a recommendation to the PDC Board on additional ways to publicize meetings of the URAC to stakeholders and interested community members.

5. **Meeting Agenda.** The URA Manager is responsible for:

- a) Preparing a meeting agenda in consultation with the URAC Chair. The agenda must contain the following items at the outset of the meeting prior to conducting any other business:
 - (i) Call to order
 - (ii) Roll call
 - (iii) Approval of prior meeting summary
 - (iv) Approval of meeting agenda
 - (v) Opportunity for URAC members to disclose any potential conflict of interest with items on the agenda and recording of the same
 - (vi) Opportunity for public comments on items not on the agenda
- b) Distributing the agenda to URAC members at least three (3) days prior to a regular meeting; and 24 hours prior to a special meeting.
- c) Making readily available to interested stakeholders and the general public prior to the meeting through appropriate means (e.g., posting on the PDC website) in a timely manner.
- d) The URAC shall provide a recommendation to the PDC Board on additional ways to publicize meeting agenda of the URAC to stakeholders and interested community members.

6. **Voting.** All official actions (e.g., recommendations, decisions, and communications) must be taken by open vote during a public meeting of the URAC.

- a) **Quorum.** A majority of voting URAC members must be present in order to vote on an official action.
- b) **Procedure.** When a matter is considered by the URAC with the intent of taking some action, the Chair should follow this process:
 - (i) Presentation

- (ii) URAC Discussion
- (iii) Public Comments
- (iv) Motion and second to take action
- (v) Debate
- (vi) Secondary motions
 - Debate
 - Vote on secondary motion
- (vii) Chair seeks consensus to close debate
- (viii) Chair calls the question
- (ix) Vote by membership. The vote of each member must be recorded by name. Results of all votes must be made public and kept in the minutes of the meeting.
- (x) A simple majority of voting members present is necessary to adopt or reject a motion.

7. Conflict of interest.

URAC members are called upon to make recommendations that, if adopted, will have a broad impact on the entire URA and, in many circumstances, individual properties. Many URAC members may have property interests located in the URA, a business located in the URA, or a business that does work with property owners or businesses located in the URA. As such, URAC members may be met with conflicts of interest when participating in the URAC's business of submitting recommendations to the PDC Board. Because the PDC Board is not obligated to accept or enact any of the recommendations made by the URAC, URAC members cannot have actual conflicts of interest, although they may have potential conflicts of interest. An actual conflict of interest would not occur for a URAC member because there would be no certain or specific financial impact from a non-binding recommendation.

Oregon Government Standards and Practices laws define potential conflict of interest at ORS 244.020(14). A potential conflict of interest exists when an official takes action that could have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated.

When a URAC member is met with a potential conflict of interest, ORS 244.120(2)(a) requires that the nature of the potential conflict of interest be publicly disclosed. Such disclosure of a potential conflict of interest by a URAC member should be made upon review of the meeting agenda at the beginning of regular URAC meetings prior to any discussion or deliberation of any agenda items, otherwise such disclosure must occur prior to any deliberation or discussion of the matter in question. Once the disclosure has been entered into the public record the URAC member may participate in any subsequent discussion and vote on the matter giving rise to the potential conflict of interest.

Each time a URAC member is met with a potential conflict of interest this disclosure must be made, but only one time on each occasion (ORS 244.120(3)).

If uncertain about whether or not a conflict of interest exists on a particular matter, the URAC member is encouraged to consult with the PDC General Counsel in advance of a meeting.

8. **Meeting Summary.**

- a) The URA Manager is responsible for producing a written summary of every URAC meeting.
- b) Minutes ("Meeting Summaries") must be taken at all meetings and made available to the public, upon request, within a reasonable time period following the meeting. If the minutes have not yet been approved by the URAC, they should be identified as "draft."
- c) The Meeting Summary does not have to be a verbatim transcript of the meeting, but should at a minimum summarize discussions and actions, and include the following:
 - (i) Members present and absent.
 - (ii) Disclosure(s) of potential conflict of interest, if any, by URAC members.
 - (iii) Reports, presentations, and proposals discussed and their disposition.
 - (iv) Results of all votes taken and the vote of each member by name.
 - (v) The substance of any topic and any discussion.
 - (vi) A reference to any public documents which were discussed or distributed.
- d) The Meeting Summary is subject to review, revision and approval by the URAC at their subsequent regular meeting.
- e) When any feedback or recommendation is formally communicated to the PDC Board, a copy of the meeting summary, or draft meeting summary, shall be included.

I. **Communications.**

1. **Individual member communications.** Individual URAC members are free to communicate their personal opinions to City Commissioners, PDC Board, PDC staff or the media; and within a written communications, or during the a verbal conversation should clarify that their opinions are personal and not a position or opinion of the URAC.
2. **Official URAC Communications.** Any official recommendation, request, or response of the URAC to public officials, the PDC Board or PDC staff should be transmitted in writing, signed by the URAC Chair, and be reviewed in advance by the entire URAC if possible, or contain language that the URAC has otherwise approved.