

ORDINANCE No.

Establish a Portland Safe, Sound and Green Streets Independent Oversight Committee to ensure the effective delivery of projects and services (Ordinance)

The City of Portland ordains:

Section 1. The Council Finds:

1. In July of 2007, an 89-person Safe, Sound and Green Streets Stakeholder Committee was formed with the purpose of guiding the process to help solve Portland's transportation problems. This committee is made up of business people, neighborhood representatives and members of transportation interest groups. After the completion of twenty-one public meetings and a comprehensive financial review, the Stakeholder Committee recommended the Street Maintenance and Safety Fee with an independent oversight committee.
2. An independent Safe, Sound and Green Streets Oversight Committee will ensure the effective and efficient delivery of Safe, Sound and Green Street projects and services.
3. A Safe, Sound and Green Streets Oversight Committee will provide the public with an independent review of projects and services.

NOW, THEREFORE, the Council directs:

- a. The City Code be amended to add Chapter 17.21 as follows:

17.21.210 Created – Purpose.

A Safe, Sound and Green Streets Oversight Committee is hereby created. The Oversight Committee's purpose is to monitor and provide guidance to the SMSF Administrator, PDOT Finance Director, PDOT Director, and Portland City Council on the effective and efficient administration of the Safe, Sound and Green Streets Program.

17.21.220 Scope.

The Oversight Committee shall perform the following functions:

- A. Oversight of the Safe, Sound and Green Streets implementation principles. Annually, the Oversight Committee will review and report on the following issues: implementing defined, prioritized list of projects; reporting requirements; leveraging State, Federal, SDC, adherence with ORS 279 public contracting requirements; geographic equity in distribution of projects; efforts to minimize negative impacts to businesses due to construction; progress in facilitating businesses and neighborhood associations jointly identifying neighborhood traffic safety priorities; green street implementation; review administrative costs (not to exceed 10% of annual SMSF revenue after initial implementation costs); conformance with pavement audit recommendations; prioritized list to ensure effective allocation of available resources; buying locally and minority and women-owned business outreach; green discounts from a defined list; street safety and maintenance fee funds not used to supplant other resources.

- B. Oversight of the financial planning and fee collection. The SMSF Administrator will create financial plans to ensure effective delivery of Safe, Sound and Green Streets projects and services. The Oversight Committee will review proposed financial plans and revisions and submit its findings and recommendations to the Council as part of the City's annual budget/financial process. The Oversight Committee will periodically provide recommendations to Council on proposed changes to the SMSF rate structure, discounts, and appeals process. The Oversight Committee will annually report on administrative costs.
- C. Oversight of project delivery. The SMSF Administrator will brief the Oversight Committee at least twice a year on the delivery of Safe, Sound and Green Streets projects. This summary will include a description of the project delivery regarding scope, schedule, and budget. Additionally, the SMSF Administrator may recommend changes to the projects list for Oversight Committee consideration. Any changes to the Safe, Sound and Green Streets Financial Plan or project list will need to be approved in the budget process. Annually, the Oversight Committee will provide a report to Council on the effectiveness of the Safe, Sound and Green Streets project delivery.
- D. Review of revenue generated for use of the public right-of-way. The Office of Management and Finance will annually provide the Oversight Committee with a summary of revenue generated to the City by the use of the public right-of-way. The report provided by the Office of Management and Finance will include a summary of Utility License Fee revenue and forecasted revenue trends. The Oversight Committee will annually make recommendations for how to allocate revenue beyond historical trends to City Council for maintenance of the transportation system. These recommendations will be summarized in the annual Oversight Committee/City Council work session.

17.21.230 Membership.

The Oversight Committee shall have eleven (11) permanent members. The Mayor shall appoint the Chair of the Oversight Committee. Seven (7) members shall constitute a quorum of the Oversight Committee.

17.21.240 Appointments – Composition.

A. General Criteria. All members must reside or work predominantly in the City of Portland and have a demonstrated interest in transportation, such as system development and maintenance, service delivery, economic development, conservation or environmental concerns. In making appointments, the Mayor and City Council will attempt to have a range of professional and academic expertise and volunteer experience represented on the Committee. Disciplines such as finance, civil engineering, transportation safety, environmental sciences, health sciences, public administration, or urban planning will be considered. In making Committee appointments, the Mayor and Council shall strive to ensure that the Committee reflects the diversity of the Portland community.

B. Committee Appointments. Committee members shall be appointed by the Mayor and confirmed by the Council. Any Council member may submit recommendations to the Mayor on potential appointments to the Committee. Nominations shall reflect three general categories:

1. Businesses: The Mayor will seek nominations from businesses. The Mayor will appoint three (3) members representing Portland businesses.

2. Residential Geographic Representation: The Mayor will seek nominations from neighborhood associations, district coalitions and individuals in various city neighborhoods. Three (3) seats will be filled from residential geographic nominations. The Mayor will appoint members representing each of the three (3) geographic areas within the City comprised of:

- a) West Portland – the area west of the Willamette River,
- b) Central Portland – the area east of the Willamette River and west of Interstate 205, and
- c) East Portland – the area east of Interstate 205.

3. Modal Area Experts. The Mayor will seek nominations from organizations working to improve services for bicycles, pedestrians/transit, and freight. Four seats will be filled by modal experts – one a bicycle expert, one a pedestrian/transit, one a freight expert, and one a motorized vehicle expert.

4. Construction/Paving Experts. The Mayor will seek one (1) nomination from the construction and paving industry as an expert.

17.21.260 Recruitment Process.

A. Oversight Committee positions and vacancies will be announced to local media publications and broadcasts, including local neighborhood newspapers, cable stations and radio, with a goal of widespread outreach. Nomination requests will also be sent to the city's Neighborhood Associations, District Coalitions, Business Associations, and transportation advocacy groups. The City's standard Committees and Commissions application form shall be submitted to the Mayor's office.

B. The SMSF Administrator shall develop and keep a current list of outreach publications to meet the requirements described in subsection A. of this section.

C. City Council members shall also seek nominations for the Committee through publications or communications generated by their offices.

17.21.260 Terms.

A. Oversight Committee members will serve, without compensation, for a term of three (3) years from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish. To ensure continuity of membership, half of the membership identified in the first year of implementation will only serve a two-year term.

B. No member may serve on the Oversight Committee for more than five consecutive terms. The Oversight Committee shall develop a brief process and/or form for recommendations to the Mayor in regard to members desiring reappointment.

C. If any member of the Oversight Committee is absent for more than three (3) regularly scheduled meetings of the Oversight Committee during any twelve-month period, without having notified the Chair in advance of such absence, such members shall be deemed to have resigned from the Oversight Committee. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

D. The Mayor may remove any member of the Oversight Committee at his or her discretion for due cause, including but not limited to malfeasance or neglected duties.

17.21.270 Standing Committees.

- A. The Oversight Committee may, at any time, establish committees of at least three (3) individuals to address specific issues related to the Oversight Committee’s purpose.
- B. The Oversight Committee Chair and two other members of the Committee, as approved by a majority of all Committee members, will serve as the Oversight Committee’s Executive Committee. The Executive Committee will facilitate ongoing communication between the Oversight Committee, the City Council, the SMSF Administrator, and the Bureaus.
- C. The Oversight Committee may designate additional roles and responsibilities for the Executive Committee and any other committee. Such roles may be set forth in the Oversight Committee by-laws.

17.21.280 Staffing.

The Portland Office of Transportation will provide staffing for the Oversight Committee.

17.21.290 Meeting Schedule.

The Oversight Committee will meet quarterly. Additional meetings may be scheduled as determined by the Oversight Committee Chair. The Oversight Committee’s Executive Committee and other standing committees will meet on an as-needed basis. Proper notice of meetings will be give in accordance with the Oregon Public Meetings law.

17.21.295 Annual Report and Work Session.

A. By December 30 of each year, the Oversight Committee shall prepare and submit to the Council an annual report summarizing the work performed by the Oversight Committee during the previous fiscal year (July 1 through June 30). The annual report shall include, but not be limited to: a report on the Safe Sound and Green Street Implementation Principles; a listing of briefings and reports received by staff, outside experts and other informed parties; a summary of recommendations forwarded to Council; and a summary of Council and Agency action on recommendations.

B. Upon the completion of each Annual Report described in Subsection 17.21.295 A. of this section, the Oversight Committee shall participate in a work session with the City Council. The purpose of this work session is to present the Annual Report and to create a work plan for the upcoming year.

Passed by the Council,

Commissioner Sam Adams
Prepared by: Commissioner Sam Adams
January 16, 2008

GARY BLACKMER
Auditor of the City of Portland
By

Deputy