

**ORDINANCE NO. 413
OF THE PORT OF PORTLAND**

AN ORDINANCE DELEGATING CERTAIN AUTHORITY AND RESPONSIBILITY TO THE EXECUTIVE DIRECTOR TO ACT ON BEHALF OF THE PORT OF PORTLAND COMMISSION, AND AMENDING AND RESTATING ORDINANCE NO. 353 (as amended by Ordinance No. 376-R).

BE IT ENACTED BY THE PORT OF PORTLAND:

SECTION ONE. Port of Portland Ordinance No. 353, as amended by Port of Portland Ordinance No. 376-R, is amended and restated in its entirety to read as follows:

Section 1. Findings and Purpose

1.1 Pursuant to Oregon Revised Statutes, Chapters 777 and 778, and the Bylaws of The Port of Portland ("Port"), the Port Commission finds that it is necessary and prudent to establish certain policies and procedures with respect to the administration and management of Port affairs and to delegate to the Executive Director of the Port certain authority and powers to act on behalf of the Commission.

1.2 The purpose of this Ordinance is to ensure that Port affairs are managed in a prudent, efficient, and business-like manner, and the delegation of powers to the Executive Director shall be liberally construed to effectuate the purposes of this Ordinance.

Section 2. General Delegation

The Executive Director of the Port shall be responsible for the daily management and administration of Port operations and affairs, keep the Commission advised as to the needs of the Port, employ such persons and take such action as is deemed requisite, necessary, or convenient in carrying out the work of the Port, devote his or her entire working time to the business of the Port, and perform such other duties as the Commission directs. Notwithstanding the foregoing, the Executive Director may from

time to time provide assistance to and take on assignments on behalf of other units of government within the State of Oregon, pursuant to intergovernmental agreement, upon consent of the Commission and for periods not exceeding ninety (90) days. The Executive Director shall submit monthly reports to the Commission, outlining the major activities undertaken by the Port during the month, including separate lists of (1) contracts executed pursuant to delegated authority and exceeding an amount to be set by the Commission by separate resolution and (2) any real estate transactions executed pursuant to delegated authority, and discussing issues of significance or interest to the Port. The Executive Director shall also cause to be published a written set of administrative procedures for the purpose of providing guidance to Port staff in carrying out their duties. The Executive Director is authorized to pay all ordinary and necessary bills essential to Port operations, including, but not limited to, such items as utility bills; routine maintenance expenses; fees or charges for services; fees or charges assessed by any governmental entity, court, or administrative body; taxes; and fuel purchases.

Section 3. Personnel and Compensation

The basic salary and wage structure for Port employees shall be approved by the Commission. Within the salary and wage structure established by the Commission and other controlling laws and contracts, the Executive Director shall be responsible for personnel management including such factors as personnel assignment, pay, training, and discipline, and any labor relations matters.

Section 4. Public Affairs

Policies or directives involving the internal Port operating procedures and all other releases to the media, or to the public directly, may be made by the Executive Director or by persons designated by the Executive Director.

Section 5. Government Relations

The Executive Director shall have responsibility for liaison with federal, state, and local government agencies and shall have the authority to execute intergovernmental and grant agreements within the limits specified in Section 8 of this Ordinance.

Section 6. Project Review

Through the annual budget process, the Commission will review major equipment purchases, property improvements, development projects, and the acquisition or disposition of real property as recommended by the Executive Director. The Commission will also review the design of any major capital improvement constructed by the Port.

Section 7. Tariffs and Fees

The Executive Director is expressly authorized to: (a) establish, publish, modify, and enforce marine terminal and Portland Ship Repair Yard tariffs, rules, and regulations; (b) to assess tariff charges, use fees, privilege fees, assessments; to set and assess any and all rates, fees, and charges for the use of other Port-owned, operated, or leased facilities, including, but not limited to, Port industrial parks, marine terminals, the Portland Ship Repair Yard, and all Port airports; and (c) to adopt rules and regulations governing the use of Port facilities.

Section 8. Contract Authority

The following procedures and delegation of authority for the execution of legal documents and the obligation of Port funds shall apply:

8.1. The Executive Director or his or her designee is authorized to contract for all goods, equipment, supplies, capital assets, services, and personal services for which an appropriation exists, subject to and in accordance with monetary limits authorized by the Commission pursuant to a separate resolution. Any contracts that exceed the adopted monetary limits must be approved by the Commission. All collective bargaining agreements must be approved by the Commission.

8.2. The Executive Director or his or her designee may execute leases, use agreements, management agreements, or otherwise permit others to enter upon or use property owned by the Port, subject to and in accordance with the time limitations authorized by the Commission pursuant to a separate resolution. Routine easements, permits, or licenses which are granted by the Port for utilities or access are exempt from the Commission-adopted limitations. Leases, licenses,

and management and use agreements whose term is in excess of the Commission-adopted time limits must be approved by the Commission. Any purchase or sale of real property or the adoption of any formal policy governing the development, sale, or use of Port real estate must be approved by the Commission.

Section 9. Compliance with Law

The Executive Director shall have the responsibility for assuring that the Port complies with all local, state, and federal laws, regulations, rules, and requirements. Any matter or transaction required by local, state, or federal law to be approved by the governing body of the Port shall be approved by the Commission.

Section 10. Commission Discretion

Nothing contained in this policy statement shall limit or in any way restrict the Commission's ability to formally adopt or review any matter or policy involving or relating to Port activity or to authorize the Executive Director to execute contracts or other legal documents on behalf of the Commission.

Section 11. Savings Clause

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of the sentence, paragraph, or paragraphs of this Ordinance shall not be thereby invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others.

Section 12. Previous Commission Policies

The Statement of Policies for the Board of Commissioners of the Port of Portland dated December 9, 1987, is expressly repealed. Unless in conflict with this Ordinance, all other previously adopted Commission policy shall remain in full force and effect. Nothing contained in any previous policy shall limit the grant of authority contained in this Ordinance.

ADOPTED THIS 12th day of November 2003, being the date of its second reading
before the Board of Commissioners of the Port of Portland.