



AGENDA
Regular Commission Meeting
Port of Portland Headquarters
7200 N.E. Airport Way, 8th Floor
October 11, 2017
9:30 a.m.

Minutes

Approval of Minutes: Regular Commission Meeting – September 13, 2017

Executive Director

Approval of Executive Director's Report – September 2017

Public Comments

Consent Items

1. CITY OF PORTLAND ENTERPRISE ZONE BOUNDARY AMENDMENTS *EMERALD BOGUE*
Requests consent to boundary amendments of the Portland Enterprise Zone and East Portland Enterprise Zone.
2. COMMISSION POLICY NO. 6.1.2 – INVESTMENTS *TRACY WESTERFIELD*
Requests readoption of Port of Portland Commission Policy No. 6.1.2, *Investments*.

Action Items

3. PUBLIC IMPROVEMENT CONTRACT – POST-SECURITY CONCESSIONS REDEVELOPMENT STOREFRONTS 2017 CONCOURSE D AND C WEST – PORTLAND INTERNATIONAL AIRPORT *DAN GILKISON*
Requests approval to award a public improvement contract to Todd Hess Building Company, Inc., for the Post-Security Concessions Redevelopment Storefronts 2017 Concourse D and C West Improvement project at Portland International Airport.
4. PUBLIC IMPROVEMENT CONTRACT – PARKING ADDITIONS AND CONSOLIDATED RENTAL CAR FACILITY – PORTLAND INTERNATIONAL AIRPORT *DAVE DITTMER*
Requests approval to amend the design-build public improvement contract with JE Dunn Construction Company for final design and construction of the early work packages for the Parking Additions and Consolidated Rental Car Facility project at Portland International Airport.

5. REMEDY IMPLEMENTATION SERVICES CONTRACT –
MCBRIDE SLOUGH CLEANUP – PORTLAND INTERNATIONAL
AIRPORT

MARCEL HERMANS

Requests approval to award a contract to Golden Enviro, LLC, for
remedy implementation services on the McBride Slough Cleanup
project.

6. FIRST READING AND PUBLIC HEARING – PORT ORDINANCE
NO. 462-R – AMENDING AND RESTATING ORDINANCE NO.
275, AS AMENDED BY PORT ORDINANCE NO. 300 AS
AMENDED BY ORDINANCE NO. 425-R, THAT ESTABLISHED A
CIVIL SERVICE SYSTEM FOR FIRE FIGHTERS AND CREATED
A CIVIL SERVICE COMMISSION

CHRIS NEAL

Requests a first reading and public hearing on proposed Ordinance
No. 462-R.

CITY OF PORTLAND ENTERPRISE ZONE BOUNDARY AMENDMENTS

October 11, 2017

Presented by: Emerald Bogue
Regional Affairs Manager**REQUESTED COMMISSION ACTION**

This agenda item requests consent to boundary amendments of the Portland Enterprise Zone and East Portland Enterprise Zone, both located within Port of Portland (Port) boundaries, to provide an incentive to encourage existing or new companies to invest and create jobs within the zones.

BACKGROUND

The Enterprise Zone program was enacted by the Oregon Legislature in 1985. In the 2005 legislative session, the statute for the Enterprise Zone program, ORS 285C.065, was changed to require the governing bodies of port districts to consent by resolution to Enterprise Zone applications by a city or county within the boundaries of the port. This change was requested to ensure coordination of economic development activities within port districts. Since then, the Port Commission routinely receives requests from jurisdictions as they move forward with Enterprise Zone re-designations and/or boundary changes.

The Enterprise Zone program allows a 100 percent property tax abatement for up to five years on new qualified capital assets of eligible businesses within the Enterprise Zone boundary. Land, existing structures and existing machinery and equipment are not eligible for the abatement. State program requirements include: increasing employment by 10 percent, or one job, whichever is greater; maintaining minimum employment levels during the abatement period; and entering into a "First Source Hiring Agreement" with Worksource Oregon, an agreement by the employer to use the Oregon Employment Department through Worksystems, Inc., as its first source from which to hire qualified candidates before hiring from other sources.

The Portland Enterprise Zone was originally established in 1986 and most recently expanded in 2015, and the East Portland Enterprise Zone was originally established in 2012, and the boundary was most recently expanded in 2016. The program continues to assist local companies with expansion opportunities.

The results from currently enrolled Portland and East Portland Enterprise Zone companies include:

- \$1,000,000 invested by 57 currently enrolled companies
- 4,166 total jobs at Enterprise Zone companies; 2,000 new jobs
- Average wages/benefits: \$39.32/hour
- \$92 million in local purchases in 2015

CITY OF PORTLAND ENTERPRISE ZONE BOUNDARY AMENDMENTS

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FINANCIAL IMPACT

Under the current levy, the Port will forgo approximately \$0.0701 per \$1,000 of *future* assessed value until the end of the exemption period of each participating company (i.e., three-to-five years). The impact on Port property tax revenue is expected to be minimal. For example, foregone tax revenue to the Port is approximately \$8,763 over a five-year period on a \$25 million investment. Upon completion of the exemption period, the property will be fully taxed.

The action by the Prosper Portland Board of Commissioners will recommend that the Portland City Council (City Council): adopt amendments to the City of Portland Enterprise Zone Policy and amend and realign the Portland and East Portland Enterprise Zone Boundaries. Prosper Portland is requesting changes to the Enterprise Zone Policy to further align with the agency's 2015-2020 Strategic Plan and priorities around institutionalizing public benefit agreements to build an equitable economy for Portlanders. Additionally, this action will recommend that City Council add key properties in the Central Eastside and Old Town/Chinatown into the Enterprise Zone program, as well as realign some of the properties to create a cleaner delineation between the two zones along the Columbia Corridor.

The City of Portland has requested that the Port Commission consent to this boundary amendment request.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That the Port of Portland Commission consents to a request by the City of Portland to the boundary amendments of the Portland Enterprise Zone and East Portland Enterprise Zone, both located within the Port of Portland district boundaries; and

BE IT FURTHER RESOLVED, That the Executive Director or his designee is authorized to execute the necessary documents on behalf of the Port of Portland Commission in a form approved by counsel.

COMMISSION POLICY NO. 6.1.2 – INVESTMENTS

October 11, 2017

Presented by: Tracy Westerfield
Cash & Investment Program
Manager**REQUESTED COMMISSION ACTION**

This agenda item requests readoption of Port of Portland (Port) Commission Policy No. 6.1.2, *Investments*, a copy of which is attached (Policy). There are no material changes to the Policy since its previous readoption in October 2016.

BACKGROUND

The Policy provides the primary framework for the internal management of the Port's investment portfolio. On August 31, 2017, the par value of the investment portfolio was approximately \$746.7 million. The budget for interest income for the 2017/2018 fiscal year is \$8.2 million.

In order for the Port to invest funds in securities with maturities longer than 18 months, ORS 294.135 requires that investments must be made in accordance with a written investment policy that has been reviewed by the Oregon Short Term Fund Board (Board) and adopted by the Port Commission. ORS 294.135 also requires that a written investment policy be readopted not less than annually. The Board previously reviewed the Policy, and no material changes have been made to the Policy since it was last readopted by the Commission in 2016.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That Port of Portland Commission Policy No. 6.1.2, *Investments*, dated October 11, 2017, is hereby readopted; and

BE IT FURTHER RESOLVED, That a copy of Port of Portland Commission Policy No. 6.1.2, *Investments*, shall be attached to the minutes of this meeting.

PORT OF PORTLAND COMMISSION POLICY

INVESTMENTS Policy No. 6.1.2

Readopted Commission Meeting of October 11, 2017

The Port of Portland's investment program shall be operated in conformance with Oregon Revised Statutes and applicable Federal Law. Specifically, this investment policy is written in conformance with ORS 294.035; 294.040; 294.052; 294.135; 294.145; and 294.810. All funds within the scope of this policy are subject to regulations established by the State of Oregon. Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

Objectives

The primary objective of the Port of Portland investment program is preservation of capital. Consistent with that objective and the cash flow needs of the Port the investment portfolio shall be managed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the safety and liquidity needs of the portfolio. Although return consists of both principal return and income return, this policy discourages active trading and turnover of investments. Investments should generally be held to maturity.

Authority to manage investments within the scope of this policy and operate the investment program in accordance with established written procedures and internal controls is granted to Assistant Treasurers and the Cash and Investment Program Manager. No person may engage in an investment transaction except as provided under the terms of this policy.

Investment Types

The Port may invest its funds in securities or investments subject to ORS 294.035, 294.040, and 294.810, with the following restrictions:

Time certificates of deposit with any issuer will not exceed 30 percent of the net capital of such issuer, based on their most currently published financial report and shall be held in qualified Oregon depositories in accordance with ORS Chapter 295.

Banker's acceptances guaranteed by a qualified financial institution shall not exceed 30 percent of the net capital of such institution, based on their most currently published financial report.

No more than 5 percent of municipal bond funds shall be placed with any single issuing authority other than the State of Oregon or one of its agencies. However, to the extent that any reserve or construction funds exist and are also subject to yield restrictions by U.S. Treasury regulations or code, such funds may be invested in municipal bonds and no more than 20 percent of such funds shall be placed with any single issuing authority other than the State of Oregon or one of its agencies.

Repurchase agreements shall not exceed a term of 30 days. Collateral provided to the Port under a repurchase agreement shall be deposited with the Port's custodian bank(s), marked to the market daily and maintained at a minimum level in conformance with ORS 294.035 (3)(j).

Repurchase agreements may be entered into with authorized dealers or institutions when a master repurchase agreement or specific written contract governs the transaction. In no case will the total of such agreements with any firm exceed 10 percent of their equity (based on their most recently published financial report).

Diversification

The portfolio will be diversified so that the par value for each of the security classes shown shall not exceed the maximum position indicated as a percentage of the portfolio:

U.S. Treasury Obligations	100% maximum
U.S. Agency Obligations (GSE) (but no single Agency position shall exceed 30% of the portfolio)	100% maximum
Corporate Indebtedness (subject to ORS 294.035)	35% maximum
Time Certificates of Deposit (TCD)	30% maximum
Bankers Acceptances (subject to ORS 294.035(D))	30% maximum
Repurchase Agreements Under 30 days	50% maximum
Municipal Debt Obligations (subject to ORS 294.035) (No single issuer shall exceed 5% of the portfolio)	15% maximum
Oregon Short Term Fund (subject to ORS 294.810)	As allowed under Oregon Statutes

Investments in Bankers Acceptances, TCDs and other Corporate Indebtedness of any single company or qualified financial institution shall not, in the aggregate, exceed 5 percent of the portfolio. Where appropriate exposures will be limited by security type, maturity, issuance and issuer. Investments must have a rating from at least one of the following nationally recognized statistical ratings organizations: Moody's Investors Service; Standard & Poor's; or Fitch Ratings Service, ratings should be investment level ratings and not issuer level ratings (see ORS 294.035).

If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, designated staff shall bring the portfolio back into compliance in a prudent manner as soon as feasible. Due to fluctuations in the portfolio balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the original purchase date. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

Investment Maturity

Since the Port's operating cash needs are generated through operating revenues rather than tax receipts, the Port has more flexibility in structuring maturities than is typical for a municipal district dependent primarily on tax resources. Investments will be timed to meet projected cash requirements unless a shorter maturity is desirable. Funds may be invested to a maximum maturity of five years from the date of settlement.

The portfolio will be structured to meet the following minimum maturities:

- Two years and under, 55 percent of par value
- Three years and under, 75 percent of par value
- Five years and under, 100 percent of par value

In all cases, the "Prudent Person Standard" shall apply to investment decisions. The only exceptions to the maximum maturity shown shall be cases where the Port is using the security as collateral on an operating agreement or in instances where the Port is purchasing its own bonds in the marketplace to lower outstanding debt.

Authorized Dealers and Financial Institutions

The Port may purchase or sell securities subject to the provisions of this policy through any of the following:

- Banks, savings and loans, and mutual savings banks authorized to do business in Oregon (not simply loan production offices).
- Primary security dealers as designated by the Federal Reserve Bank of New York and Oregon secondary dealers.
- Primary agency selling group members as designated by the U.S. agency involved.

Financial institutions utilized as depositories must be qualified Oregon Depositories pursuant to ORS Chapter 295.

Safekeeping

All trades of marketable securities will be executed (cleared and settled) by delivery vs. payment (DVP). All securities will be evidenced by safekeeping receipts in the name of the Port of Portland. Securities acquired through repurchase agreements with the Port's custodian bank(s) may be held by the custodian bank(s). In all cases, payment shall be made only upon delivery.

Reporting Requirements

Quarterly, staff will provide the Commission with portfolio reports showing: portfolio diversification, yield and benchmarking comparisons, maturity distribution, and investment allocation, or any other report or information as the Commission may request. The Commission has review authority over the investment program.

Renewal

This policy shall be reviewed annually by the Commission.

PUBLIC IMPROVEMENT CONTRACT – POST-SECURITY CONCESSIONS
REDEVELOPMENT STOREFRONTS 2017 CONCOURSE D AND C WEST – PORTLAND
INTERNATIONAL AIRPORT

October 11, 2017

Presented by: Dan Gilkison
Project Manager

REQUESTED COMMISSION ACTION

This agenda item requests approval to award a public improvement contract to Todd Hess Building Company, Inc., for the Post-Security Concessions Redevelopment Storefronts 2017 Concourse D and C West Improvement project at Portland International Airport (PDX) in the amount of \$2,138,495.

BACKGROUND

Beginning in September of 2014, the Port of Portland (Port) engaged in a multi-year program to redevelop post-security concession operations at PDX called the 2022 Master Concessions Merchandising Program. That year, after a competitive request for proposals (RFP) process, the Port Commission approved the award of 10 new tenant leases as the first phase of the program. In 2016, the Port issued a second RFP to lease 21 new or redeveloped spaces with leases expiring between June 30, 2016, and June 30, 2017. The Port recently awarded three new leases in August of this year, bringing the total number of new or redeveloped locations to 34.

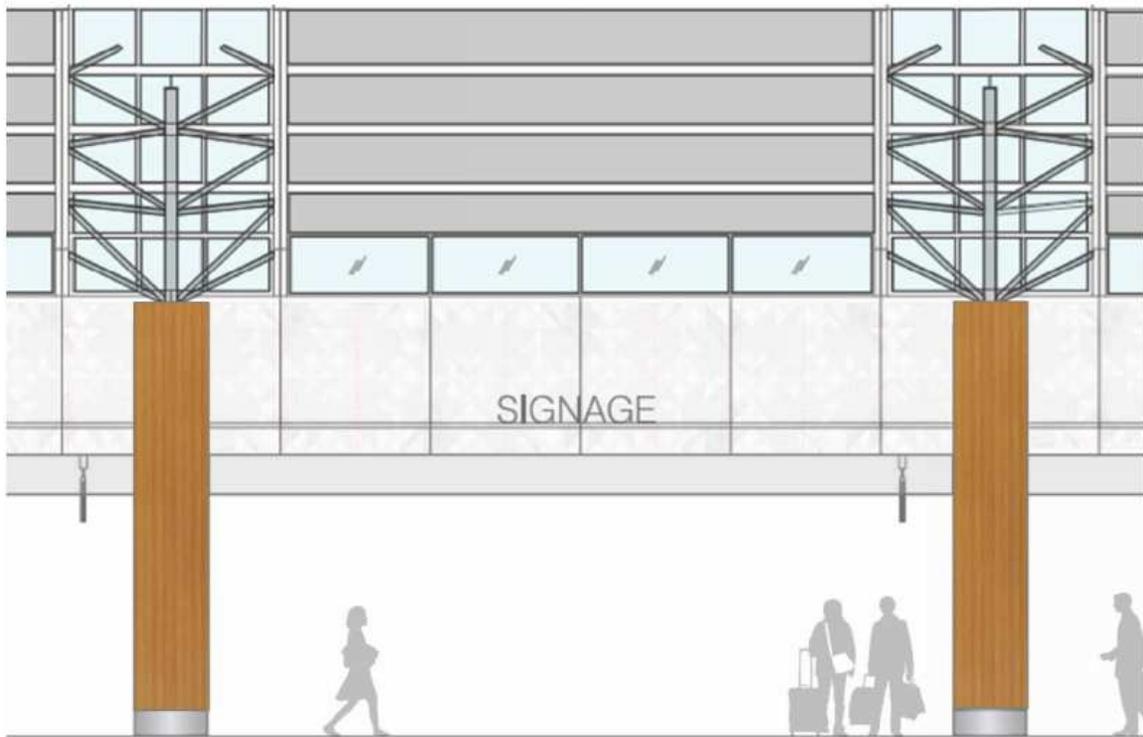
Under the terms of the recently-awarded leases, the Port will provide new storefront improvements; utility services and metering; and separation of the waste system for fats, oils and grease (FOG) from the existing waste piping system in order to meet current specialty plumbing code requirements. Overall, the storefront and utility projects completed to date have provided a consistent look and standard set of utilities to nearly all concession locations, while also allowing opportunities for tenant branding. The program improvements provide for future consistency across the different areas throughout the terminal complex.

This project will complete the program by performing the remaining storefront improvements at Concourses D and C West.

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PROGRAM CONTRACTING OVERVIEW

Design, construction and construction administration (CA) services for Phases 1 and 2 of the program were accomplished through a variety of competitively-solicited contracts. Design and CA services for the storefront improvements were previously obtained under task order-based consulting contracts. Design and CA services for the utilities and FOG waste system separation work were obtained by amending an existing consulting contract for related work. The Port amended an existing public improvement contract to construct the first phase of program construction work and competitively bid the remainder of construction work associated with the utilities and FOG improvements. Task orders under the Port's job order contracting program have also been utilized to deliver miscellaneous smaller scopes of work such as demolition, Flight Information and Display System relocations and terrazzo patching at the different concession areas.

Small business participation for the capital improvement portion of the program has been successful, with 17 percent achieved during the 2016 construction phase, which exceeded the original program goal of 8 percent. Participation goals for the 2017 Storefronts project are 13 percent, with 14 percent participation anticipated at time of bid.

PROJECT BID RESULTS

The Port procured this public improvement contract utilizing a competitive sealed-bid solicitation under ORS Chapter 279C. The solicitation was advertised on July 25, 2017. After low bidder turnout at the initial pre-bid meeting in early August, it was determined that extending the bid period an additional three weeks would allow additional time for bidder participation. Bids were received on September 19, 2017. Todd Hess Building Company, Inc., submitted the only responsive bid, reflecting the extremely vibrant construction market.

The bid results were as follows:

Todd Hess Building Company, Inc.	\$2,138,495
Engineer's Estimate	\$2,000,000

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PROJECT SCHEDULE

Preliminary and Schematic Design	June 2014 – September 2014
Airport Airline Affairs Committee Approval	July 2014
Design Phases 1 and 2 Phase 3 Final Phase – Storefronts 2017	September 2014 – December 2014 February 2015 – November 2015 February 2017 – July 2017
Commission Approval (contract awards) Personal Services – Design Phases 1, 2 and 3 Public Improvement – Construct Phase 1 and 2 Public Improvement – Construct Phase 3 Public Improvement – Construct Storefronts 2017	November 2014 November 2014 December 2015 October 2017
Construction Phases 1 and 2 Phase 3 Final Phase – Storefronts 2017	November 2014 – June 2015 January 2016 – December 2016 November 2017 – April 2018

PROJECT RISKS

Risk: Disruption to airport and/or tenant operations.

Mitigation Strategy:

- Devise a detailed plan to minimize the impact to operations. The plan will include developing a clear understanding of facilities and activities to be impacted by the project, a mitigation strategy (developed with involvement of stakeholders) to schedule moves and provide temporary facilities as required, and a communication plan to keep stakeholders informed of upcoming project activities.

Risk: Conflicts with unknown or unforeseen conditions.

Mitigation Strategy:

- Maintain a higher contingency budget in the public improvement contract to address the potential conflicts due to unknown or unforeseen conditions to cover additional coordination or operational support and limited or restricted work hours.

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BUDGET

Construction Phase 1-3	\$9,859,726
Construction 2017 Storefronts	\$2,138,495
Consultant Design Services	\$4,507,536
Port Staff and Contracted Services	\$3,236,000
Contingency	<u>\$458,243</u>
Total Budget	\$20,200,000

The contingency, representing 21 percent of the final phase construction budget, is considered reasonable given the uncertainties of remodel work and the risk profile for the project.

The project will be funded by the Airline Cost Center.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That approval is given to award a public improvement contract for the Post-Security Concessions Redevelopment Storefronts 2017 Concourse D and C West project at Portland International Airport to Todd Hess Building Company, Inc., in accordance with its bid; and

BE IT FURTHER RESOLVED, That the Executive Director or his designee is authorized to execute the necessary documents on behalf of the Port of Portland Commission in a form approved by counsel.

PUBLIC IMPROVEMENT CONTRACT – PARKING ADDITIONS AND CONSOLIDATED RENTAL CAR FACILITY – PORTLAND INTERNATIONAL AIRPORT

October 11, 2017

Presented by: Dave Dittmer
Engineering Project Manager

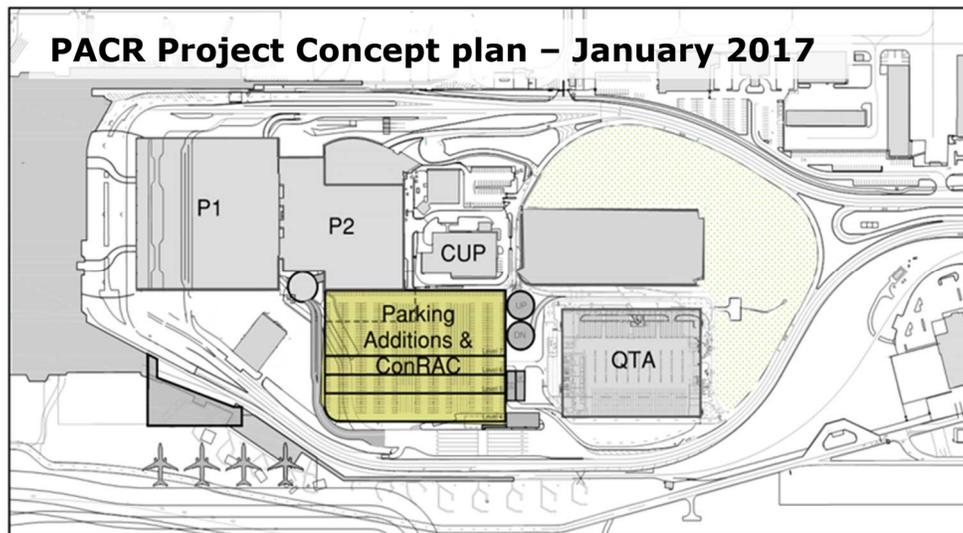
REQUESTED COMMISSION ACTION

This agenda item requests approval to amend the design-build (D-B) public improvement contract with JE Dunn Construction Company (JE Dunn), in the amount of \$84,145,297. Under this phase of the D-B contract, JE Dunn will perform final design and construct early work packages which are essential to timely deliver the Parking Additions and Consolidated Rental Car Facility (PACR) project at Portland International Airport (PDX).

BACKGROUND

A summary of previously-presented project information follows, as context for this request:

Rental cars and public parking at PDX have long been significant sources of revenue and a source of high customer satisfaction due to the proximity of the facilities to the terminal. Supporting these successful operations will be a new PACR facility to be located immediately south of the Port headquarters and long-term parking structure. Once completed, PDX rental car operations will contain sufficient capacity to accommodate projected demand through 2035. In addition, the number of long-term public parking spaces will be increased to alleviate the regularly-experienced problems with insufficient parking capacity.



In June 2016, the Commission approved an exemption from competitive bidding, enabling the Port of Portland (Port) to use a competitive request for proposals (RFP) process to procure the public improvement contract for this project's design and construction.

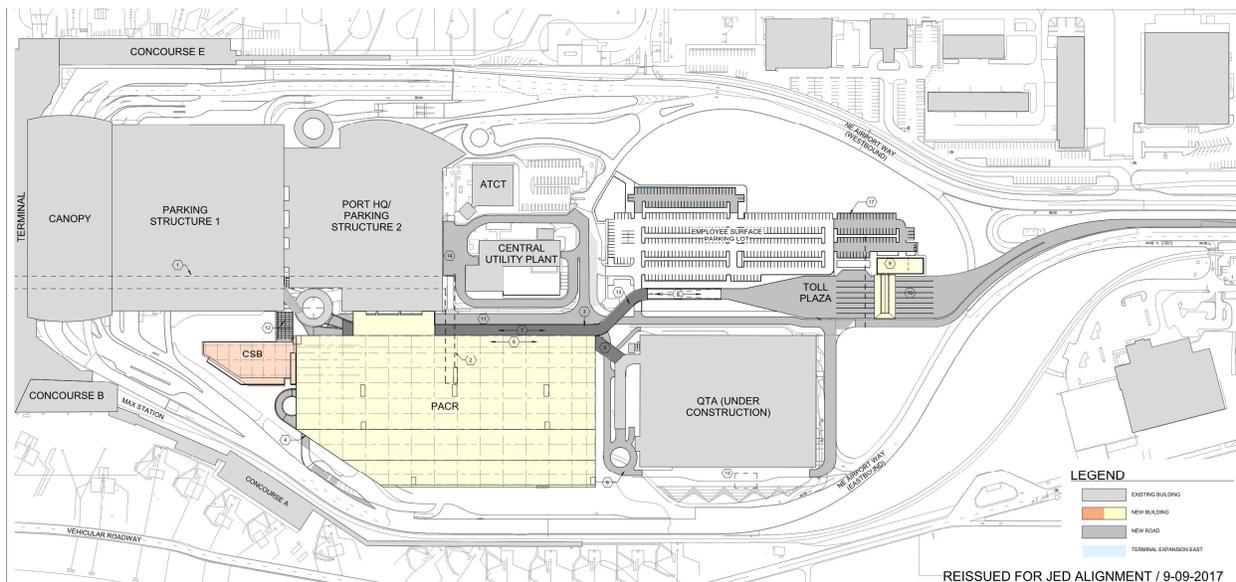
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In January 2017, the Commission approved the award of Phase 1, schematic design services to JE Dunn under the D-B contract, in the amount of \$4,194,826.

The concept plan for this project from January 2017 consisted of the following elements:

- 2,400 long-term parking stalls on floors four through seven.
- 724,000-square-foot of “ready-return” rental vehicle storage space on floors one through three, accommodating approximately 2,000 rental cars.
- Entrance and exit helixes.
- A rental car customer service building (CSB) and associated support/office space (30,000 square feet) inside the parking structure footprint.

After significant program review and validation, the above plan evolved into the following plan labeled the “Modified 9 Bay Plan”:

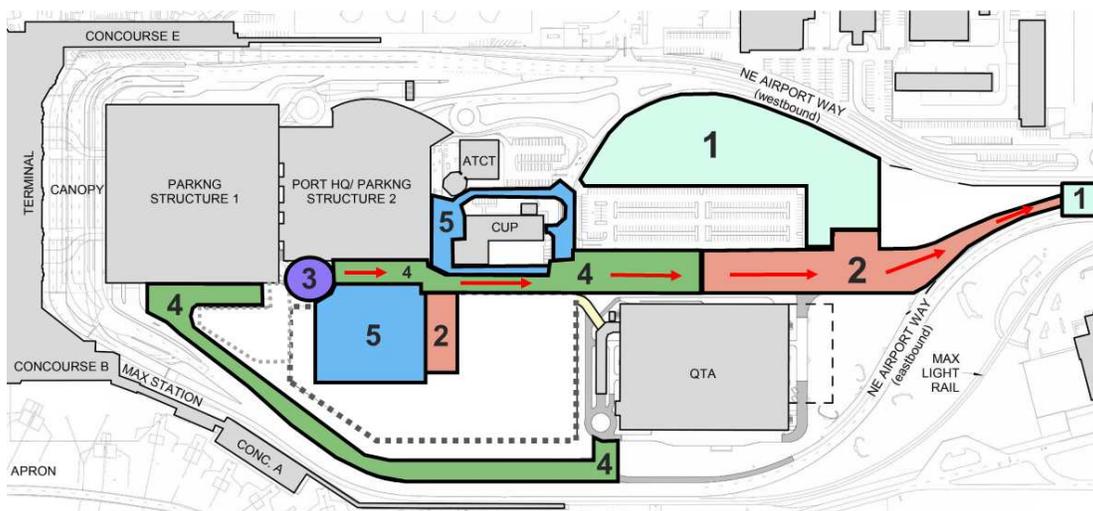


- 2,360 long-term parking stalls on floors four through six (the seventh floor was removed from the project scope).
- Public parking customers will utilize the existing entrance in the long-term parking garage and the existing south exit helix that serves both existing parking garages.
- The ready-return rental vehicle storage on floors one through three is now over 850,000 square feet with a capacity of approximately 2,200 rental cars. The increased square footage is attributed to updated rental car program requirements.
- Internal ramps for rental car entry and a helix for exiting.

- The parking toll plaza moves from the existing location to a new location east of PACR and the Rental Car Quick Turn-Around facility (QTA).
- The rental car CSB and associated support/office space will be moved to an external stand-alone structure on the northwest edge of the PACR structure.

PHASE 1 SCHEMATIC DESIGN PROGRESS AND FINDINGS

Schematic design has progressed, and JE Dunn has identified a list of early work packages (Enabling Work) that will be designed, permitted and completed early to prepare the site and to facilitate continuing rental car and public parking operations during the main portion of PACR construction. Performing this work now also improves the overall project schedule.



1. Airport Way U-Turn/Employee Parking Modifications/Project Staging
2. East Toll Plaza/East Pedestrian Tunnel
3. Helix Modifications
4. East Exiting/Final Jockey Road
5. Existing Ramp Demolition/CUP and Loading Dock Modifications

Included in this scope of work is the early procurement of approximately \$10.6 million of steel so that potentially changing market conditions do not impede structural steel manufacturing and delivery.

This Enabling Work is an interim step toward identification of the full scope of work. Commission approval will again be sought to approve another amendment that will define and establish remaining construction costs, schedule requirements and final small business participation expectations. That next amendment is planned for June 2018.

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This contract, including this amendment, utilizes the “guaranteed maximum price” (GMP) compensation structure which is often used in complex construction projects, under which the Port authorizes a fixed, maximum price for a stated scope of work. The GMP includes the contractor’s reimbursable costs for the work (based primarily on competitively-awarded subcontracts), plus a three-percent fee on the cost of work.

The GMP for this Enabling Work amendment has been established as \$84,145,297. When added to the initial schematic design scope of work at \$4,194,826, the GMP for work authorized to date will be increased to \$88,340,123. Small business participation goals established for this work are 12 percent for design and 15 percent for construction work.

<u>SCHEDULE</u>	<u>January 2017</u>	<u>October 2017</u>
Commission action (grant exemption from competitive bidding for public improvement contract)	June 2016	June 2016
D-B contractor selection process	Jun 2016 – Nov 2016	June 2016 – Nov 2016
Commission action (award schematic design services phase of D-B contract)	January 2017	January 2017
Schematic design services	Feb 2017 – Sept 2017	Feb 2017 – Oct 2017
Commission Action – approve Early Work amendment		October 2017
Commission action (approve D-B contract amendment to complete scope of services)	October 2017	June 2018
Design and permits	Nov 2017 – Sept 2018	Oct 2017 – Nov 2018
Construction	Mar 2018 – Mar 2020	Mar 2018 – Mar 2021

PROJECT RISKS

Risk: Delays to schedule that disrupt rental car business operations and affect long-term parking revenue generation.

Mitigation Strategy:

- Employ the existing strategy of using the D-B project delivery method to shorten project completion time. Even with the project changes described above, the D-B delivery method is still expected to save more than six months of project completion time when compared to the standard low-bid format or other project delivery methods such as Construction Manager/General Contractor.

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Risk: Contractor challenges with complexities related to controls, information technology and subcontractor design elements, leading to change orders and project delivery delays.

Mitigation Strategy:

- JE Dunn plans to address these risks proactively and collaboratively with a team that has specific expertise in the technology disciplines. JE Dunn also plans to form trade partner relationships in the higher-risk specialty trades.

Risk: The construction market is flooded with large commercial projects, leading to material and labor shortages that affect this project.

Mitigation Strategies:

- JE Dunn plans to place a mill order for structural steel as part of this Enabling Work amendment to minimize production capacity and cost risks.
- JE Dunn will form early trade partner agreements to reduce risk of labor shortages.

<u>BUDGET</u>	<u>January 2017</u>	<u>October 2017</u>
<u>JE Dunn D-B services</u>		
Phase 1 schematic design services (January 2017 Commission)	\$4,195,000	\$4,195,000
This amendment – Enabling Work and final design – October 2017 Commission		\$84,145,000
Final GMP amendment (June 2018 Commission)	\$186,705,000	\$128,662,000
<u>Total JE Dunn D-B Contract</u>	<u>\$190,900,000</u>	<u>\$217,002,000</u>
Early work not in JE Dunn D-B contract (e.g. QTA, PDX Taxiway B, utility work by PacifiCorp and CenturyLink)	\$5,100,000	\$8,198,000
Port staff and contracted services	\$10,000,000	\$9,000,000
Port contingency	\$40,000,000	\$34,000,000
Total project	\$246,000,000	\$268,200,000

The project budget increased for a number of reasons, including design refinement to efficiently use the site and improve site circulation. Examples of design enhancement include development of the external CSB, an at-grade pedestrian connection at the west end, and the increased size of the garage to the 9 Bay format described above. Refinements for improved site circulation include the cantilevered exit road on the north side of the garage, rental car exit helix and traffic calming safety features.

The contingency, representing 15 percent of the project costs, is considered reasonable given the preliminary stage of the project, the nature of the work and the risk profile for the project.

The Port Cost Center funds approximately 41 percent of the overall project and the Customer Facility Charge Cost Center funds the remaining 59 percent.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That approval is given to amend the public improvement contract with JE Dunn Construction Company to provide for the design and construction of the Enabling Work described above in this agenda item for the Parking Additions and Consolidated Rental Car Facility project at Portland International Airport, consistent with the terms presented to the Commission; and

BE IT FURTHER RESOLVED, That the Executive Director or his designee is authorized to execute the necessary documents on behalf of the Port of Portland Commission in a form approved by counsel.

REMEDY IMPLEMENTATION SERVICES CONTRACT – MCBRIDE SLOUGH CLEANUP –
PORTLAND INTERNATIONAL AIRPORT

October 11, 2017

Presented by: Marcel Hermans
Engineering Project Manager

REQUESTED COMMISSION ACTION

This agenda item requests approval to award a contract to Golden Enviro, LLC, for remedy implementation services on the McBride Slough Cleanup project, in the amount of \$3,555,506.

BACKGROUND

McBride Slough is located southwest of the Portland International Airport (PDX) Maintenance Department compound and receives stormwater from roughly the northern and eastern third of PDX. PDX Stormwater Basin 7, a primary drainage basin for the terminal and ramp areas, drains into McBride Slough.



McBride Slough had not been dredged in the past and, as a result, became silted in, which diminished conveyance and flood storage capacity. In 2010, and again in 2011, sediment and debris in McBride Slough resulted in a backup of stormwater and flooding north of Airport Way.

In December 2011 and January 2012, with approval from the Oregon Department of Environmental Quality (DEQ), the Multnomah County Drainage District (MCDD) performed emergency dredging of McBride Slough to temporarily re-establish adequate flow in the channel. Preliminary testing of the dredge material conducted by MCDD indicated that the accumulated sediment in McBride Slough contained contamination from historical operations at PDX. The sediments required special handling and management due to this contamination.

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In July 2012, DEQ and the Port executed a consent order agreement. Under this agreement, the Port was required to determine the nature and extent of releases of hazardous substances to sediments of McBride Slough, and to develop, evaluate and select appropriate removal and/or remedial measures. The Port's project team completed this work and produced a Remedial Investigation and a Feasibility Study, as well as a Work Plan. In July 2015, DEQ issued its Record of Decision (ROD), which stated the DEQ-selected remedy. DEQ's selected remedy requires dredging of about 12,000 cubic yards with subsequent placement of an activated carbon layer to address any remnant contamination that may remain after dredging.

In September 2016, the Port submitted the Remedial Design/Remedial Action (RD/RA) Work Plan to DEQ in conformance with the ROD. The RD/RA Work Plan was approved by DEQ in October 2016 and incorporated into a December 2016 consent judgment between DEQ and the Port. Per the terms of the consent judgment, the Port completed the final design for the project, which was submitted to DEQ in June 2017.

CONTRACTING

In November 2015, the Port issued a Request for Proposals (RFP) for McBride Slough remedy implementation services. Through that process, the Port selected a contractor to provide services in two phases, under separate contracts. The first contract was awarded for pre-implementation services, which consisted of advising the Port's design team on constructability, efficiency, and cost-effectiveness during the design of the remedy. Per the RFP, contingent upon the contractor's successful performance during the pre-implementation phase, and the successful negotiation of an implementation services contract, an implementation services contract would subsequently be awarded.

The Port selected Golden Enviro, LLC, through this RFP process, and then entered into a contract with the firm for Pre-Implementation Services. Golden Enviro, LLC, successfully completed the Pre-Implementation Services work.

Following the Port's recent completion of remedy design, the Port then negotiated the Remedy Implementation Services contract with Golden Enviro, LLC. Completion of the scope of work under this contract will implement the remedy selected by DEQ in the ROD.

SCOPE; COMPENSATION

This contract implements the remedy for the McBride Slough Cleanup project. The scope of work includes:

- Maintenance dredging of McBride Slough.
- Dewatering of the dredged sediments.
- Transportation and disposal of the dredged sediments to a solid waste landfill.
- Installation of a cover layer consisting of a mixture of activated carbon with sand and/or gravel.

REMEDY IMPLEMENTATION SERVICES CONTRACT – MCBRIDE SLOUGH CLEANUP –
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Because most of the contracted work will either be self-performed by the contractor or consists of disposal fees at a certified landfill, small business participation opportunities under this contract are very limited. The Port nevertheless negotiated a five percent small business participation goal for this contract.

The compensation structure is based on a combination of lump-sum and unit-priced pay items. Items that can be easily defined and quantified upfront will be paid on a lump-sum basis, while items that are subject to variation beyond the contractor's control will be paid based on an agreed-upon unit price (e.g. per ton).

SCHEDULE

Consent Order between the Port and DEQ executed for McBride Slough investigation	July 2012
DEQ's Record of Decision issued	July 2015
Pre-Implementation Services contract with Golden Enviro, LLC, executed	March 2016
Final design submitted to DEQ	June 2017
Commission action (approve award of remedy implementation services contract)	October 11, 2017
Remedy implementation	May – October 2018

PROJECT RISKS

Risk: Unforeseen conditions encountered during implementation.

Mitigation Strategies:

- Perform detailed assessments during design and preparation phase.
- Tightly manage and oversee implementation.

Risk: Additional requirements posed by permitting/oversight agencies.

Mitigation Strategy:

- Continue close coordination with agencies regarding implementation.

Risk: Contractor performance issues.

Mitigation Strategies:

- Maintain close cooperation between the contractor and the Port project team.
- Tight checks and process for quality control.

BUDGET

Remedy Implementation Services Contract	\$3,555,000
Other contracted services	\$1,310,000
Port staff	\$1,205,000
Contingency	\$585,000
<hr/>	
Total project budget	\$6,655,000

The contingency, representing 16 percent of the contract cost, is considered reasonable given the risk profile for the project and the status of the project.

Seventy-five percent of the project cost will be funded from the Airline Cost Center, and the remaining 25 percent will be funded from the Port Cost Center.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That approval is given to award a Remedy Implementation Services contract to Golden Enviro, LLC, for the McBride Slough Cleanup project, consistent with the terms presented to the Commission; and

BE IT FURTHER RESOLVED, That the Executive Director or his designee is authorized to execute the necessary documents on behalf of the Port of Portland Commission in a form approved by counsel.

FIRST READING AND PUBLIC HEARING – PORT ORDINANCE NO. 462-R – AMENDING AND RESTATING ORDINANCE NO. 275, AS AMENDED BY PORT ORDINANCE NO. 300 AS AMENDED BY ORDINANCE NO. 425-R, THAT ESTABLISHED A CIVIL SERVICE SYSTEM FOR FIRE FIGHTERS AND CREATED A CIVIL SERVICE COMMISSION

October 11, 2017

Presented by: Chris Neal
Director, Public Safety & Security

REQUESTED COMMISSION ACTION

This agenda item requests a first reading and public hearing on proposed Ordinance No. 462-R, the amendment and restatement of Ordinance No. 275, as amended by Ordinance No. 300, as amended by Port Ordinance 425-R, that established a Civil Service System for the Port of Portland (Port) Fire Department.

BACKGROUND

The Port maintains a Civil Service System for the Port Fire Department, in accordance with the requirements of Oregon law, which is administered by a three-member board of Civil Service Commissioners. The Port's three-member Civil Service Commission was established pursuant to Port Ordinance No. 275. The Civil Service Commissioners' primary responsibilities include administering the Civil Service System in matters relating to recruitment, testing and selection of fire fighters, and hearing matters of discipline or appeal brought before them.

The current ordinance has been in effect since 1981, with minor amendments made to it in 1983. In 2007, Civil Service Commissioners, as well as representatives from the Fire Department, Legal and Human Resources, worked together to revise Ordinance No. 275, as amended by Ordinance No. 300, to be consistent with employment and recruitment practices relative to the Civil Service process.

The revisions to Ordinance No. 425-R are limited to those in Section 20.1 and are intended to provide the Civil Service Commission with authority to adopt rules and regulations specifying a process to allow for the addition of under-represented candidate(s) for consideration when an affirmative action plan states an identified deficiency for the classification of Firefighter.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends that the following resolutions be adopted:

BE IT RESOLVED, That Ordinance No. 462-R amending and restating Ordinance No. 275, as amended by Port Ordinance 300, as amended by Ordinance 425-R, be given a first reading by title only; and

BE IT FURTHER RESOLVED, That a public hearing be held concerning proposed Ordinance No. 462-R.

ORDINANCE NO. 462-R
OF
THE PORT OF PORTLAND

An ordinance amending and restating Port Ordinance No. 275, as amended by Port Ordinance No. 300, as amended by Port Ordinance No. 425-R, that established a Civil Service System for fire fighters and created a Civil Service Commission.

BE IT ENACTED BY THE PORT OF PORTLAND, as follows:

1. DEFINITIONS

As used in this Ordinance, unless the context clearly requires otherwise, the following terms shall mean:

- 1.1** "AIRPORT" - Portland International Airport; also referred to as PDX.
- 1.2** "AIRPORT SECURITY PROGRAM" - The Airport security program required by 49 CFR 1542 and approved by the Transportation Security Administration.
- 1.3** "APPOINTMENT" – Selecting or employing any person to hold a position subject to the Civil Service System created under this Ordinance.
- 1.4** "CERTIFIED" – An employee or candidate who is on an active register pursuant to Section 19.2 of this Ordinance.
- 1.5** "CHIEF EXAMINER" – An individual appointed by the Civil Service Commission to design, supervise and conduct the competitive selection process prescribed by this Ordinance.
- 1.6** "CIVIL SERVICE" – The Civil Service System established under Port Ordinance No. 275.
- 1.7** "CIVIL SERVICE COMMISSION" – The three-member Civil Service Commission created under Port Ordinance No. 275.
- 1.8** "CIVIL SERVICE SECRETARY" – An individual appointed by the Civil Service Commission to keep records of the Commission's proceedings.
- 1.9** "CIVIL SERVICE REGISTER" – A list of eligible candidates for promotional positions and entry-level positions that have been certified by the Civil Service Commission.
- 1.10** "COMMISSION CHAIRPERSON" – Chair of the three-member Civil Service Commission.
- 1.11** "COMMISSIONER" – A member of the Civil Service Commission.
- 1.12** "DIRECTOR OF AVIATION" - The Port's designated Director who oversees Airport operations and who reports directly to the Port's Executive Director.

1.13 "EMPLOYEE" – A person in a position covered under the Civil Service System and whose principal duties consist of preventing or combating fire, or preventing the loss of life or property from fire, and providing medical services in connection with employment in the Port of Portland Fire Department.

1.14 "EXECUTIVE DIRECTOR" – Person appointed by Port of Portland Commission to carry out the responsibilities of the chief executive officer of the Port of Portland, or his/her designee.

1.15 "FIRE CHIEF" - The highest-ranking manager within the Fire Department, or his/her designee. May also refer to a Fire Department Manager, or his/her designee, if the position is filled with a civilian manager.

1.16 "PORT COMMISSION" - The Board of Commissioners of the Port of Portland.

1.17 "PORT OF PORTLAND" or "PORT" –The port district of the State of Oregon that owns and operates the Airport pursuant to ORS 778.005 through ORS 778.990.

2. CIVIL SERVICE SYSTEM

2.1 The Civil Service System is for Employees of the Fire Department of the Port, excluding Fire Chief. As stated in Section 1.13 an Employee is "A person in a position covered under the Civil Service System and whose principal duties consist of preventing or combating fire, or preventing the loss of life or property from fire, and providing medical services in connection with employment in the Port of Portland Fire Department."

2.2 Except as otherwise provided in this Ordinance, the Appointment and promotion of all persons to positions covered by the Civil Service shall be made solely upon merit, efficiency, and fitness, as specified by ORS 242.752.

3. CIVIL SERVICE COMMISSION

The Civil Service Commission is composed of three (3) members appointed by the Port and approved by the Port of Portland Commission. The term of office of each member of the Civil Service Commission shall be four (4) years, and each shall serve without compensation. However, of the members first appointed to the Civil Service Commission, one shall serve for a term of two (2) years, one shall serve for a term of three (3) years, and one shall serve for a term of (4) four years. No member of the Civil Service Commission shall be a member of the Port of Portland Commission or a current employee of the Port. The Port may remove any Civil Service Commissioner for incompetency, dereliction of duty, or other good cause, after giving him/her due notice in writing of the charges against him/her and an opportunity to be heard publicly on such charges before the Executive Director in accordance with procedure specified in ORS 242.710.

4. CIVIL SERVICE COMMISSION MEETINGS

4.1 The Civil Service Commission shall hold a meeting at least once every ninety (90) days at a time and place which it designates.

4.2 Special meetings shall be called upon the request of any Civil Service Commissioner or the Port. Any person subject to the Civil Service may request a special meeting of the Civil Service Commission by delivering to the Commission Chairperson a written request stating the basis of the request. Such request may be granted at the discretion of the Commission Chairperson upon a finding that sufficient cause is shown.

5. QUORUM AND VOTE

5.1 Two (2) members of the Civil Service Commission shall constitute a quorum.

5.2 The votes of any two (2) Civil Service Commissioners concurring shall be sufficient for decisions in all matters and transactions under this Ordinance.

6. COMMISSION CHAIRPERSON

The Civil Service Commission shall elect a Commission Chairperson from its membership at the Civil Service Commission meeting after July 1 each year to serve for a term of one (1) year.

7. CHIEF EXAMINER

7.1 The Civil Service Commission shall appoint a Chief Examiner to design, supervise, and conduct the competitive selection process prescribed by this Ordinance. The Chief Examiner shall have skill in the recruiting, testing and screening of applicants for employment. No Employee of the Fire Department of the Port is eligible to serve as Chief Examiner or as an examiner.

7.2 Any existing examiner of a governmental agency within the state may be designated as examiner and retained by the Civil Service Commission if he/she has skill in the recruiting, testing, and screening of applicants.

8. CIVIL SERVICE SECRETARY

The Civil Service Commission shall appoint a Civil Service Secretary who shall keep records of the Civil Service Commission's proceedings and investigations held or made under the directions of the Civil Service Commission. The Civil Service Secretary shall also preserve all reports made to it and perform such other duties as the Civil Service Commission may prescribe.

9. PORT OFFICIALS TO ASSIST COMMISSION

The Director of Aviation, and his/her designee(s), shall afford the Civil Service Commission reasonable facilities and assistance in inspecting books, papers, documents, and accounts relating to the positions subject to Civil Service and shall produce such books, papers, documents, and accounts and testify whenever required to do so by the Civil Service Commission under the terms of this Ordinance.

10. LEGAL ACTION AND COUNSEL

The Civil Service Commission may conduct any civil suit or action which may be necessary for the proper enforcement of this Ordinance and the rules of the Civil Service Commission. The

Civil Service Commission shall be represented in such proceedings by the Port's General Counsel or his/her designee.

11. COMMISSION RECORDS

The Civil Service Commission shall keep on file with the Civil Service Secretary all papers, records, and other documents and communications received by it except for selection documents which shall be maintained by the Chief Examiner. Selection documents will be retained in compliance with the Port's records retention policy. Except for the selection documents and examinations, and records exempt from disclosure under ORS 192.410 et seq, all reports and files of the Civil Service Commission shall be public records and shall be accessible to the public at reasonable and convenient times.

12. RULES AND REGULATIONS

The Civil Service Commission shall adopt rules and regulations to carry out the provisions of this Ordinance. The rules and regulations shall be made available for inspection in the Civil Service Secretary's office.

13. INVESTIGATION

13.1 The Civil Service Commission may investigate any matter affecting the enforcement of this Ordinance. The Civil Service Commission shall investigate any written, verified complaint alleging that abuses of the provisions of this Ordinance exist.

13.2 In the course of the investigation, the Civil Service Commission may administer oaths, subpoena witnesses, and compel the production of books, papers, documents, and accounts pertinent to the investigation. Attendance of witnesses, either with or without books, papers, documents, or accounts, may not be compelled unless such witnesses are personally served with a subpoena. Failure to obey the terms of the subpoena shall constitute a violation of this Ordinance.

13.3 The Civil Service Commission may provide for the taking of the deposition of witnesses, or the taking of written interrogatories, in the manner prescribed by law for like depositions and interrogatories, in civil suits and actions.

13.4 Every person served with a subpoena requiring his/her attendance before the Civil Service Commission shall be entitled to the fees and mileage allowance which shall be paid in the manner provided for by law to witnesses in civil suits and actions in circuit courts, except that no Port Employee shall be entitled to any fees or mileage allowance.

14. REPORTS TO CIVIL SERVICE COMMISSION REQUIRED

Upon request of the Civil Service Commission, the Port shall provide information to the Civil Service Commission on every Employee subject to Civil Service, giving his/her name, the title or character of the position he/she holds, the date of beginning of service, and the salary he/she receives.

15. CIVIL SERVICE PERSONNEL FILES

The Civil Service Commission shall have access to personnel files of all persons subject to Civil Service. Personnel files will contain records of all Appointments, promotions, demotions, transfers, reinstatements, resignations, suspensions, leaves of absence without pay, removals, and discharges, setting forth in each instance the date of beginning, change or termination of service, and the nature of the action, together with sufficient information to show why and how such Appointments or other changes were made.

16. PAYMENTS TO NONCERTIFIED PERSONS PROHIBITED

Except for persons holding positions under a temporary Appointment as provided in Section 22, no manager of the Port shall authorize, draw, sign, countersign, issue or honor any warrant or order for the payment of, or pay any salary or compensation to any Employee subject to Civil Service under this Ordinance who is not certified by the Civil Service Commission.

17. PORT TO CREATE POSITIONS AND TO FIX COMPENSATION

All Civil Service positions of the Port shall be created by the Port. The compensation of all represented Fire Department Employees shall be fixed through negotiation of the Collective Bargaining Agreement by the Port and Local No. 43 of the International Association of Fire Fighters. The Port has the authority to amend, add to, consolidate, or abolish classified positions.

18. EXAMINATIONS

18.1 The Civil Service Commission shall authorize the Chief Examiner to conduct open and competitive selection processes to ascertain the qualifications and fitness of applicants for all positions in the Civil Service. Selection processes shall be approved by the Civil Service Commission prior to implementation. Approved processes shall be followed when a vacancy occurs unless there is a current, active entrance register in existence. Promotional selection processes shall be followed for those who apply for such examination and who meet the eligibility requirements as determined by the Chief Examiner. Promotional selection processes shall be carried out whenever necessary to establish a Civil Service Register.

18.2 Notice of time, place, and general scope of every selection process shall be given in accordance with rules and regulations adopted by the Civil Service Commission.

18.3 All selection processes shall be practical in character and shall relate only to those matters which fairly evaluate the relative qualifications and fitness of persons examined to discharge the duties of the positions for which they are applicants. Ability to perform the essential functions of the position as described by the physical parameter analysis shall be included in the entrance selection processes. The Civil Service Commission may assess such weights on selection processes as it deems necessary. No question in the selection process shall relate to political or religious preference, affiliation, opinion, or services.

18.4 Persons who possess those eligibility requirements prescribed by rules and regulations of the Civil Service Commission will be eligible for the selection process.

18.5 The Chief Examiner shall supervise all examinations and shall designate the persons who shall conduct all examinations. No Employee within the Fire Department of the Port shall be designated as Chief Examiner.

19. CIVIL SERVICE REGISTER

19.1 The Civil Service Commission shall provide a Civil Service Register containing entry-level and promotional registers for the various classes of positions in the Civil Service. The Civil Service Commission may consolidate or cancel the entry-level and promotional registers as the needs of the Civil Service System may require.

19.2 An entry-level and/or promotional Civil Service Register will be created for new positions, or position vacancies, in the Civil Service. Entry-level and promotional Civil Service Registers will be valid up to thirty (30) months or until exhausted.

19.3 For classifications with three (3) or fewer positions, a certified Civil Service Register need not be maintained beyond the thirty (30) months. Subsequent Civil Service Registers shall be established any time there is a new vacancy.

20. CERTIFICATION OF ELIGIBLE CANDIDATES

Whenever there is a vacancy in a position in the Civil Service, the Fire Chief shall notify the Chief Examiner of the vacancy. The Chief Examiner shall thereupon certify to the Fire Chief:

20.1 If the vacancy is in an entry-level position, the names and addresses of the three (3) candidates standing highest upon the entry-level Civil Service Register. When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies, plus three (3). When an Affirmative Action plan states an identified deficiency for the classification of Firefighter, the Civil Service Commission shall adopt rules and regulations specifying a process to allow for the addition of under-represented candidate or candidates for consideration. The under-represented candidate or candidates will be considered in addition to, not in place of, candidates standing highest upon the entry-level Civil Service Register.

20.2 If the vacancy is in a promotional position, the names and addresses of the two (2) candidates standing highest upon the promotional Civil Service Register for the classification or grade to which the position belongs. An active promotional Civil Service Register must have at least two (2) candidates.

21. APPOINTMENTS TO CIVIL SERVICE POSITIONS

21.1 After the Fire Chief has received the register of certified candidates, he/she may either appoint one (1) of the certified candidates to the vacant position or he/she may reject all certified candidates for Appointment to the position. Appointment of a certified entry-level candidate or a laterally hired position shall be contingent on the candidate successfully passing a criminal history records check, a drug screen, physical examination and psychological examination. As a condition of Appointment, the Port may also require candidates to pass a background investigation or other requirements in compliance with the Airport Security Program.

21.2 If the Fire Chief appoints one (1) of the candidates, the names of the candidates not appointed may be placed on the Civil Service Register in the same position from which the names were certified at the Fire Chief's discretion. The appointed candidate shall be placed in an introductory period in his/her new position for a period of time stated in the then current Collective Bargaining Agreement.

21.3 If the Fire Chief rejects all certified candidates, he/she shall submit a written statement for the reasons of rejection to the Civil Service Commission. Political reasons and all other reasons prohibited by law or statute are not valid reasons for rejection. The Fire Chief may determine that a candidate on the Civil Service Register is not qualified for reasons not discovered in the testing process, and may request that the Civil Service Commission remove the candidate from the Civil Service Register based on reasons and a report furnished to the Civil Service Commission.

21.4 If certified candidates are rejected by the Fire Chief, the Chief Examiner shall present name(s) and address(es) of the next eligible candidate(s) standing highest upon the Civil Service Register. The Fire Chief and the Chief Examiner shall proceed in this manner for all rejected candidates until a qualified candidate is found for the vacant position.

21.5 If an Employee is in an introductory period, the Fire Chief may discharge that person without regard to Sections 23 and 24 of this Ordinance and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found.

21.6 If a person has followed a promotional selection process and has been appointed to a position in a higher classification fails to qualify for the position in the higher classification within the introductory period, he/she shall not lose his/her position in the lower classification from which the promotion was made, but shall be reinstated in the position held by him/her in such lower classification.

22. TEMPORARY APPOINTMENTS

22.1 When there is no candidate on the entry-level Civil Service Register from which a position may be filled, the Fire Chief may, with the consent of the Civil Service Commission, fill the position by temporary Appointment. A temporary Appointment shall generally not continue for more than three (3) calendar months. The temporary Appointment may be extended an additional three (3) calendar months at the discretion of the Civil Service Commission for cause shown. No classified position shall be filled by a temporary Appointment for more than six (6) calendar months.

22.2 Temporary Appointments shall be valid only until there are available candidates on the entry-level Civil Service Register. No temporary Appointment shall be made to fill any position for which the promotional procedure is followed and an eligible promotional Civil Service Register is maintained.

22.3 Temporary Appointments may also be made while a candidate selected from the entry-level Civil Service Register completes the recruitment process and introductory training requirements.

23. GROUNDS FOR DISCIPLINARY ACTION

23.1 Persons subject to the provisions of this Ordinance may be dismissed, demoted, suspended without pay, or deprived of special privileges for the following reasons:

23.1.1 Incompetency, inefficiency, or inattention to or dereliction of duty.

23.1.2 Dishonesty, intemperance, addiction to drugs or controlled substances, immoral conduct, insubordination, discourteous treatment of the public or fellow Employees, or failure to comply with requirements of the Airport Security Program.

23.1.3 Any other willful failure of good conduct tending to injure the public service.

23.1.4 Any willful violation of the provisions of this Ordinance or of the rules and regulations adopted under this Ordinance.

23.1.5 Conviction of a felony or a misdemeanor involving moral turpitude.

23.1.6 The willful giving of false information or withholding information with intent to deceive when making application for employment.

23.1.7 Any other charges properly investigated and sustained that warrant such action.

23.2 No person shall be dismissed, demoted, suspended without pay, or deprived of special privileges for political or any other reasons prohibited by law or statute.

24. DISMISSAL PROCEDURE: INVESTIGATION: ENFORCEMENT OF FINDINGS

24.1 No person subject to Civil Service who has been appointed under this Ordinance and who has satisfied an introductory period shall be dismissed, demoted, suspended without pay, or deprived of special privileges except for cause and only upon written charges. A written statement of charges and sanctions shall be served upon the accused, and a copy shall be maintained in the Employee's official personnel file. The Civil Service Commission shall be notified of any such action.

24.2 Any regular Employee who has been dismissed, demoted, suspended without pay, or deprived of special privileges may follow the grievance procedure outlined in the then current Collective Bargaining Agreement or file with the Civil Service Commission a signed, written demand for an investigation. If the demand alleges, or if it otherwise appears to the Civil Service Commission, that the dismissal was not made in good faith for cause, the Civil Service Commission shall conduct an investigation and hold a public hearing. The hearing shall be held within thirty (30) days from the time the appeal is filed. The appellant may be represented by counsel or any representative of his/her own choosing. The investigation shall be confined to the determination of the question of whether the dismissal was made in good faith for cause.

24.3 After an investigation and public hearing, the Civil Service Commission may affirm or modify the action taken by the Fire Chief, or if it finds that the dismissal was not made in good faith for cause, the Civil Service Commission shall order the immediate reinstatement of

the Employee in the position from which he/she was dismissed. Reinstatement shall be retroactive and entitle the dismissed Employee to pay or compensation or special privileges from the time of dismissal. The findings of the Civil Service Commission shall be certified in writing to the Fire Chief and immediately enforced.

25. ILLEGAL ACTS

No person shall:

25.1 Falsely mark, grade, estimate, or report upon the examination or proper standing of any person registered, or certified pursuant to this Ordinance, or aid in so doing, or make any false representation concerning the same or concerning the person examined.

25.2 Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any applicant or person so examined, registered, or certified.

25.3 Impersonate any other person or permit or aid in any manner any person to impersonate anyone in connection with any examination registration, application, or request to apply or register.

26. CERTAIN CONTRIBUTIONS AND POLITICAL ACTIVITY PROHIBITED

No person holding any position subject to Civil Service is under any obligation to contribute to any political or religious fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No persons shall discharge, promote, demote or in any manner change the official rank, employment, or compensation of any person subject to Civil Service, or promise or threaten to do so, for giving, withholding, or neglecting to make any contribution of money or services or any other valuable thing for any political, racial, or religious purpose.

27. PARTIAL INVALIDITY

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.

28. EFFECTIVE DATE

This Ordinance shall become effective December 8, 2017.

ADOPTED THIS 8TH day of November 2017, being the date of its second reading before the Board of Commissioners of the Port of Portland.

THE PORT OF PORTLAND

By: _____
Jim Carter, Commission President

By: _____
Pam Thompson, Assistant Secretary

APPROVED AS TO LEGAL SUFFICIENCY

By: _____
Counsel for Port of Portland

APPROVED BY COMMISSION

Date: _____